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GANG VIOLENCE AND CONTROL

HEARINGS

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

GANG VIOLENCE AND CONTROL IN THE LOS ANGELES AND SAN FRANCISCO AREAS WITH A VIEW TO WHAT MIGHT BE DONE BY THE FEDERAL GOVERNMENT

WESTWOOD, CALIFORNIA
FEBRUARY 7, 1983

SAN FRANCISCO, CALIFORNIA
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GANG VIOLENCE AND CONTROL

MONDAY, FEBRUARY 7, 1983

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Westwood, Calif.

The subcommittee met pursuant to notice, at 9:30 a.m., in room 11209, Federal Building, 11000 Wilshire Boulevard, Westwood, Calif., Hon. Arlen Specter (chairman of the subcommittee) presiding.

Also present: Kevin S. Mills, counsel; Jonathan C. Levin, counsel.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN OF THE SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning, ladies and gentlemen.

The hour of 9:30 having arrived, we will commence these hearings.

This is a hearing of the Juvenile Justice Subcommittee of the Committee on the Judiciary of the U.S. Senate.

And the purpose of these hearings will be to inquire into the gang killings in the Los Angeles area with a view to what might be done by the Federal Government.

Last year, Congress passed a Justice Assistance Act which would provide Federal funding for important projects on the State and local level.

Unfortunately, that act was pocket vetoed by President Reagan on January 14 because of a provision unrelated to justice assistance, but rather on the issue of a drug coordinator.

Last week I reintroduced this legislation on justice assistance, which comes within the jurisdiction of the Juvenile Justice Subcommittee.

And the essence of this justice assistance bill is to take the best of the old Law Enforcement Assistance Administration with a view to providing Federal funding on problems where the Federal Government can be of some special assistance.

The problem of gang killings is one where Los Angeles has attracted nationwide attention with some 351 gang killings in the calendar year 1980.

It is a subject that I have had great concern about over the years.

When I was district attorney in Philadelphia in the late 1960's and early 1970's, Philadelphia and Chicago had the national lead in gang killings.

Los Angeles has overtaken all existing records.

In Philadelphia we received the first of juvenile gang control grants from the old Law Enforcement Assistance Administration back in 1969 and 1970.

And it is my thought that there may be some sort of analogous help which the Federal Government can provide for Los Angeles at this time.

We have a distinguished list of witnesses today. We have the district attorney of Los Angeles. We have a supervisor of Los Angeles County.

And we've been requested to call first of all Hon. Ed Edelman, Los Angeles County Supervisor.

Is he here? Mr. Edelman?

Mr. LEVIN. Not yet.

Senator SPECTER. Well, it gives me great pleasure to call Hon. Robert H. Philibosian, district attorney of Los Angeles.

District Attorney Philibosian, I welcome you here. I have some familiarity with the nature of your problems.

It is a difficult but fascinating job to be a district attorney in a big, tough area like Los Angeles, bigger than Philadelphia, but I don't think any tougher than Philadelphia.

We have comparable rates of homicide, rape, robbery, burglary, and organized crime.

But we welcome you here. We appreciate your being with us, and I might say by way of an addition, we had called you last week.

There's one other subject which I'm interested in, even though it is beyond the scope of the gang killings, and that is the question of calendar control, which figures into what we are doing a lot of work on in the Committee on the Judiciary.

So to the extent that you could lend some guidance on that subject after we go into the gang issue, I would be very grateful to you.

The floor is yours.

STATEMENT OF HON. ROBERT H. PHILIBOSIAN, DISTRICT ATTORNEY, COUNTY OF LOS ANGELES, ACCOMPANIED BY JAMES BASCUE, CHIEF DEPUTY DISTRICT ATTORNEY, COUNTY OF LOS ANGELES

Mr. PHILIBOSIAN. Thank you, Senator.

In the absence of a supervisor let me welcome you and your committee to Los Angeles County.

I know that Supervisor Edelman had planned to be here. He may be delayed because of the traffic and the rainfall.

I'm very pleased that this committee has decided to come to Los Angeles County to take stock of our problems here.

And I'd like to share with you some thoughts that we have in the district attorney's office about gang violence in this particular county.

Street gang violence in Los Angeles County has reached an intolerable intensity.

Rival gang activities have turned some areas of the county into war zones. This violence is regressing full circle back to the days of blood feuds.

Each attack is viewed by the victim's gang as a cause for new revenge. Reason is lost. A lethal act may be payment in advance or collection of past debts.

Gang members cannot articulate specific purposes for specific shootings or killings. Acts of violence may also occur for reasons which are hard to believe—the color of one's shoelaces, an incorrect hand sign, crossing out of a name on a graffiti covered wall are but a few examples.

Additionally, gang violence creates a climate of terror for the citizens who live in the affected areas.

Family owned residences are frequently riddled with gunshots. Some of these families eat and sleep on the floor at night for fear of getting shot.

Residents do not venture outdoors after dark because they know from experience that a substantial number of the victims of gang violence are innocent bystanders.

In certain neighborhoods in Los Angeles the sound of gunfire is so commonplace that law-abiding citizens no longer exhibit enough curiosity to go as far as their windows to see what is happening.

This noninvolvement arising from both complacency and from fear has helped create the problems we face today.

An indicator of the level of violence is the type of weapons that are being used.

We're no longer talking about zip guns and bicycle chains.

I brought with me a 9-millimeter machine pistol that was recently seized from a gang member. We've had it thoroughly checked, Senator. It is not loaded.

This is a 9-millimeter——

Senator SPECTER. I shall not ask that it be marked as an exhibit. We certainly couldn't carry that with us across State lines.

Mr. PHILIBOSIAN. Very well.

This weapon, by the way, is now illegal. It has been modified to become an automatic weapon, therefore, being illegal.

When it was originally sold, it was semiautomatic. It was legal at that time. Even at semiautomatic, today it is now illegal.

The weapon was modified with a kit which could be purchased, and that kit was used to modify this weapon.

In its current state it is a fully automatic weapon.

When it was seized, three clips were seized with it, including this cartridge case which is U.S. Army issue.

Senator SPECTER. Would you mind bringing that forward so I can take a look at it?

Mr. PHILIBOSIAN. Certainly.

This is a 30-round clip, Senator. It is empty.

To activate this weapon the clip is inserted, taken off safety. It can fire——

Senator SPECTER. And this is an automatic weapon there?

Mr. PHILIBOSIAN. Yes, sir, it is.

That can fire 30 rounds in approximately a second and a half. You can imagine the devastation that that can do to a crowd of people, let's say, in a pizza parlor.

Senator SPECTER. Was this actually used in a gang battle?

Mr. PHILIBOSIAN. This was seized pursuant to a search warrant. We don't know what its use was.

I'm now removing the flash suppressor which is not necessary for the operation of the weapon. So you can see what we're left with, a very small, very compact, and easy to conceal weapon with tremendous firepower, more firepower than some of our police officers have.

Senator **Specter**. What were the circumstances which led to the seizure of that weapon?

Mr. **Philibosian**. This was seized pursuant to a search warrant for weapons that we understood were being concealed within the home of a gang member.

Senator **Specter**. It was a gang member?

Mr. **Philibosian**. Yes, sir.

Senator **Specter**. Has the case been tried?

Mr. **Philibosian**. No. It's still under investigation.

I think that will give the committee an idea of what we're talking about. That's the kind of gang firepower that's out on our streets.

The county of Los Angeles encompasses 4,083 square miles and has 70 different incorporated cities. The unincorporated areas are policed by the county sheriff's department.

But gang violence does not respect our jurisdictional boundaries.

The Los Angeles City Police Department reports that there are 122 separate street gangs in the city of Los Angeles, alone.

It is estimated that there are approximately 400 streets gangs in the county of Los Angeles and that the total gang membership exceeds 30,000.

In East Los Angeles every block is claimed as turf or territory by at least one gang.

Literally, every identifiable ethnic population is involved in street gang activity.

Particular gangs historically have been violent or passive, depending on whether or not the given gang possesses a requisite 5 percent or 10 percent of habitual violent offenders.

As the violent offenders are killed by rivals or incarcerated, the violence of that particular gang generally decreases.

Gang violence has been on the increase in our secondary schools. Los Angeles Unified School District has recently issued a report identifying 207 gangs actively operating on school campuses with as many as 200 known members in some groups.

To further exacerbate the situation a relationship exists between the infamous California prison gangs and several of the locally powerful street gangs according to information that we have received.

It appears that street gangs have been infiltrated by paroled prison gang members to facilitate the distribution of narcotics in the territories dominated by these infiltrated gangs.

It is believed by district attorney's office gang experts that several seemingly motiveless street gang murders are in reality orchestrated by prison gangs to cement the control of local neighborhood narcotics distribution channels.

Gang violence is not a new problem to the residents of Los Angeles County.

Some of the oldest street gangs have existed in Los Angeles for more than 50 years. Historically, some of these gangs have been purely cultural in origin and activities. Occasional violence was only incidental in nature.

What is new, however, is the intensity of the violence and the rapid increase in the level of lethal violence which has plagued our county over the past 6 years.

Between 1977 and 1980 the number of gang homicides increased from 168 in 1977 to 351 in 1980. The number of violent gang crimes in other categories during this time period was equally staggering.

What is perhaps most frightening to the average citizen is the fact that fully half of the victims of gang violence are not involved in any way in gang activity. They simply tend to be in the wrong place at the wrong time. They are victims of random killing.

The size of this county, the number of gangs, their considerable mobility, and the escalating level of violent gang crimes has compelled local law enforcement agencies to develop specialized units and tactics to deal with the complexities of street gang violence.

The Los Angeles County Sheriff's Department and the Los Angeles Police Department have organized specialized divisions of highly trained officers who are assigned to investigate gang activities within special geographic areas.

The success of this approach is indisputable.

In January, 1979, the hardcore gang division of the office of the district attorney became operational. This was federally funded originally as a pilot project. It was introduced as a logical extension of the law enforcement concept of gang specialization.

Senator SPECTER. When did that begin, again?

Mr. PHILIBOSIAN. January 1, 1979.

Hardcore became the prosecution component in a police-prosecution-probation team effort. And its successes have surpassed even the most optimistic of expectations.

Premised on the belief that only a small percentage of gang members are hardcore violent offenders, the division sought to focus its limited resources on the violent central cadre within each street gang.

These habitual violent offenders, or hardcore gang members, generally have a lengthy record of arrests and convictions. They are usually on active parole or probation.

The hardcore gang member leads and influences the younger gang members and often because of his record will endeavor to use a younger member with no record to be the trigger man when the gang perpetuates its acts of violence.

It is believed that once these negative role models are removed from the community, a vacuum is created, which often goes unfilled.

The hardcore's objective is just to do that, to remove the shooters from the streets.

As the hardcore division increased in size and as other law enforcement agencies added their components, ever increasing numbers of repetitive violent offenders were convicted and incarcerated.

In 1979 hardcore handled 53 cases and obtained 52 convictions. Last year 354 cases were processed, and 328 convictions resulted, a 93-percent conviction rate.

This compares with a 46-percent gang conviction rate in 1976 and a 47-percent rate in 1977.

As a validation of the hardcore premise, the homicide rate has declined significantly. From a high in 1980 of 351 deaths, 1981 saw a reduction to 292. The 1982 figures reveal a total of only 205 gang homicides.

While this number is still totally unacceptable, it does show that a unified and well-funded law enforcement effort can impact directly upon gang violence and the state of terror which it breeds.

With me today is Chief Deputy District Attorney Jim Bascue.

Jim, would you step forward.

Jim headed the Hardcore unit from its inception until today when he assumed the role of Chief Deputy District Attorney.

One of the reasons I appointed Jim as Chief Deputy is to underscore my own determination to combat gang violence in this country.

Senator SPECTER. Mr. Philibosian, I understand that Supervisor Edelman has arrived. If he could join us, I would appreciate it as well.

Mr. PHILIBOSIAN. Certainly.

I'd like to let Jim give you his firsthand observations as soon as the Supervisor speaks, and then we'll be happy to answer your questions, Senator.

Senator SPECTER. All right. Very good.

Mr. PHILIBOSIAN. Good morning, Supervisor.

Mr. EDELMAN. Good morning.

Senator SPECTER. Welcome, Mr. Edelman. We very much appreciate your joining us here today.

Do you pronounce your name Bas- ——

Mr. BASCUE. Bascus, Senator.

Senator SPECTER. Bascue.

Before we hear from Chief Deputy Bascue, Mr. Edelman, we'll be very pleased to hear your opening comments.

STATEMENT OF ED EDELMAN, SUPERVISOR, LOS ANGELES COUNTY

Mr. EDELMAN. Thank you very much, Senator.

We appreciate your coming here to Los Angeles County, a county that a few years ago had the unenviable distinction of being called the gang capital of the world.

We had at that time in 1979–80 about 300 or so gangs, composed of about 100 members each gang. So we had about 30,000 gang members.

Now, let me make clear that gangs are something that are here to stay. People join gangs for various reasons.

But they also tend to create violence if left unchecked and without any appropriate programs.

We also had at that time, in 1979–80, about 351 murders due to gang-related activity.

And let me point out to the Senator that the people killed were not just other gang members, as bad as that is, but innocent bystanders.

In fact, statistics showed us that about 60 percent of the people killed in gang-related murders were innocent bystanders, mistaken identities, innocent women and children.

We found that of the 2,000 murders in this county, roughly, 18 percent were gang related. So if you look at those statistics, gang-involved killings accounted for 18 percent of the murders in Los Angeles County.

And of the gang-related murders, 60 percent involved innocent bystanders.

We had every day in the paper stories about drive-by shootings. We had literal fear in our neighborhoods.

At that time I went to your good city of Philadelphia because we held some hearings in Los Angeles County to determine what could be done to stem this gang violence. We had law enforcement working as hard as they could.

Senator **Specter**. I have said, Mr. Edelman, before you arrived that Philadelphia was the gang capital early on in the late 1960's and early 1970's.

Mr. **Edelman**. We claimed that distinction, unenviable, about 1979, 1980.

I don't think we have that situation here today, and I'd like to tell you why not and what the Federal Government might do because as I understand it, you're here to hear, basically, what the Federal Government might be able to do to help reduce gang violence.

Senator **Specter**. Yes, that's correct, Mr. Edelman.

I have said shortly before your arrival and before the arrival of others, and it might be worth just a moment of repetition, that the Congress passed a Justice Assistance Act at the end of the 1982 session, which unfortunately was vetoed by the President because it was one of seven bills with a drug coordinator bill that the Department of Justice and the President opposed.

But last week I introduced a new justice assistance bill. And that bill is within the jurisdiction of the Juvenile Justice Subcommittee which has oversight responsibilities on Federal assistance.

When I was district attorney of Philadelphia, we received in Philadelphia one of the first Federal grants under the old Law Enforcement Assistance Administration.

And one of the purposes of this hearing is to see how the Federal Government can be helpful to local law enforcement on a problem like juvenile gang violence.

Mr. **Edelman**. We appreciate your efforts because you know firsthand in Philadelphia what was able to be accomplished by some innovative community programs reaching out to the gang members.

Now, let me say that in 1980 we held some hearings—I heard from 50 witnesses—to try to come up with a program that would better reduce gang violence.

As a result of those hearings and as a result of my traveling to Philadelphia, we did a number of things.

One, we beefed up our traditional law enforcement operations. Operation Hardcore which the district attorney just recounted to you was funded by Federal dollars under the LEA program that you mentioned.

That program ended about 1980. We stepped in—the county taxpayers stepped in and doubled the size of Hardcore because we felt that it was so important a program.

Senator **Specter**. How much funding had you received from the Federal Government, if you know?

Mr. **Edelman**. Jim, I'll defer to you on that.

Mr. **Bascue**. Senator, the inital grant funded five lawyers. And I think we augmented that the second year of the program to where we had eight lawyers funded.

It was a small program, the only one of its kind, I believe, ever funded by LEAA. And we used some Justice dollars, I believe.

Senator Specter. Was that funded for just 1 year or more than 1 year?

Mr. Bascue. It was funded for 2 full years.

Senator Specter. Two full years.

And then since the Federal funding ended, the Los Angeles County Supervisors have picked up the financing responsibility.

Mr. Edelman. Right. And we've doubled the size because we feel it's so important. So that was one element, to increase law enforcement efforts directed, particularly at the shooters, the few hardcore gang leaders, if you will, to isolate them.

We also increased Operation Safe Streets. That's a sheriff's department program that has deputies assigned to troubled areas to give extra law enforcement activity and surveillance of gang leaders who are committing violent crimes.

We also started—and I think this is most important—an innovative program similar to Philadelphia's where we tried to intervene before gangs would fight each other. We tried to intervene to head off that violence by setting up a crisis intervention network.

That was funded, to start out, with about eight teams. And that was a risky program to begin with because we knew, as you had in Philadelphia, that there were problems with that.

We were hiring people who were not necessarily civil-service types. These were not angels. These were people who had, themselves, to some degree been in trouble with the law. But we felt it was worth it because up until that point, Senator, there was not a reversal of any statistics. The statistics were growing.

I think the year that we set up the crisis intervention network using community people, we had an increase in the city of Los Angeles, about a 71-percent increase, in gang-related homicides; and in the county about a 35-percent increase, almost a killing a day, related to gang activity.

Now, this program modeled after Philadelphia's, obviously, had to be responsive to our local conditions. And we tried to make it that way.

We also at the same time set up a probation gang supervision service where probation officers had a reduced workload to handle the gang members who were out on probation, and who were violating those conditions of probation, to just pull them in off the streets if we had any indication that they were committing acts against the law.

And, indeed, a four-pronged attack using probation department specialized gang supervision services, Operation Safe Streets with the Sheriff, Operation Hardcore with the D.A., and this crisis network, the community youth gang services program, funded by the county, a total package of about $3 million, went into this effort.

And as a result of all these programs, we had a united coordinated effort on gang activity.

We also set up an inter-agency task force to coordinate all the different activities. And, indeed, they met month by month. For the first time in many years, you had a coordinated attack on gang violence.

Now, I think one could—let me just recite the statistics which I think are impressive. And I'm not saying that one part of this program reduced the statistics. That would be unfair.

I think it's a combination of law enforcement, both the Sheriff, the DA, and the Probation Department, which is an arm of law enforcement, and the community working with the crisis intervention network. They have all impacted gang violence to reduce it.

We had last year in the city of Los Angeles a 35-percent reduction of gang-related murders. In the county of Los Angeles, we had a 17-percent reduction in gang-related murders.

Let me just recite, if I may, what those statistics mean because statistics——

Senator SPECTER. When you go over those statistics, Mr. Edelman, if you have the overall statistics on murders, homicides, I would be interested in those, too, to see how that drop correlated to the homicide rate, generally.

Mr. EDELMAN. With gangs, yes.

Senator SPECTER. Well, if you have them overall, I'd be interested in those, too.

Mr. EDELMAN. We will supply them to the committee. I don't have them now, but we can bring them to your attention.

Let me indicate that in 1980, as I said, we had 351 gang-related homicides in the county. In 1981 that figure dropped, after this coordinated approach was utilized, to 292. From 1980 to 1981, it dropped from 351 to 292. And then in the next year it dropped to 205.

So we have over this 2-year period a drop in gang-related homicides from 351, that was the high in 1980, to the end of this calendar year, we had 205, over 146 reduction in gang-related homicides.

And I think that's significant. I think it's a tribute to the coordination of law enforcement with the community. And I think that those are figures that we've very proud of in the county.

I might say, also, Senator, that as a result of our program setting up this Philadelphia plan in the county, the city of Los Angeles joined the program.

And that has significantly helped the city because the city had a more serious gang homicide problem than the county of Los Angeles.

But working together we've been able to reduce those figures substantially.

And I say, Senator, that this is a national problem as you rightfully pointed out and as you've said over the years. This is a national problem.

Gangs know no boundary today. They can ride around in cars, or motorcycles. They're not limited to any one area of the county. And, indeed, the homicides take place throughout the county.

And we feel that your efforts here today to look at how the Federal Government might step in is worthy of my being here, and you'll see other members here.

Now, I think, Senator, if you were to help by Federal funds, I think it would require a coordination, a showing that the local community has set up a coordinated approach to fight gang violence. And, indeed, you might even require some matching funds.

I realize the Federal Government is trying to reduce expenditures. We in this state may be forced to reduce expenditures because we've had a very difficult problem now.

And I think we're going to need all the help we can get to keep financing these programs that we have in place, programs that we know work.

And any help that you can give by way of legislation that would assist this county would be very much appreciated.

I'd be happy to answer any questions, and I will, indeed, furnish that information to the committee that you requested.

Senator **Specter**. Well, thank you very much, gentlemen. I very much appreciate your testimony.

Let us hear from Chief Deputy Bascue first, and then I do have a number of questions.

STATEMENT OF JAMES BASCUE

Mr. **Bascue**. Thank you, Senator.

I'd just like to expand on some of the observations in, perhaps, a little more detail.

I think the Senator has a lot of knowledge, coming from the Philadelphia area, about the terror in a community relating to gang violence.

But I'd like to talk about—just have people think about what it's like to grow up in a community, what it's like to go to school and not be worried about an education on some of our campuses.

Our campuses are armed camps. You've got to be worried about whether or not you're going to come home from some of our schools.

In the last two years we've prosecuted three homicides that have occurred on our high school campuses. And this kind of violence and terror permeates the entire community.

People can't go to the store. People can't enjoy parks.

We had a family this last year, 7-year-old girl was shot in the head, just being in the park.

We had a small girl—it's the children that are being victimized recently, gang members firing into crowds, hitting small children.

In the last year we must have had close to 10 small children under the age of 10 struck by bullets.

Recently, a 10-year-old young man sitting in front of his TV at home in east Los Angeles was killed by a 30 to 30 slug, result of a gang fight.

A further example, I want to talk about south central Los Angeles where most of the violence is occurring right now.

We have a housing project there called the Jordan Downs housing project. And in a 15-day period in a two-block area—this is two blocks around the housing project—15 days there were 30 robberies, 2 murders, and a vicious kidnap-rape of a local church member in that particular community.

Senator **Specter**. How much of that do you attribute to gang activity?

Mr. **Bascue**. All of it, Senator. That was all gang-related.

There was a gang in this housing project. There was a hardcore nucleus of about 15 or 20 who were committing all of these crimes together.

And as a result of this the local law enforcement specialized gang people, the hardcore gang division—we got arrest warrants, search warrants. We arrested 14 people.

Immediately after those 14 were arrested, for the following 6 weeks, there was not one robbery in that housing project area.

Senator SPECTER. Have those cases been tried yet?

Mr. BASCUE. We obtained 13 convictions out of the 14. One we had insufficient evidence to file.

So we felt that was a very successful operation. Our feedback from the community—and we go into that housing project, and the community people, their reaction is, "Where have you been?"

You know, we're trying to bring back the rule of law into some of the communities in our county.

And to give you a profile of the type of gang member we're talking about, we have a young man that we're presently pending trial.

He committed a murder at the age of 15. He and another gang member committed a robbery-murder, killed a young man.

He was sentenced to our California Youth Authority for less than 3 years. He was released at the age of 18. He went right back in the community, right back into the same gang setting and within 3 months killed two additional people. And that is the profile of the hardcore offender we're dealing with.

Senator SPECTER. What is the age span for gang membership?

Mr. BASCUE. Senator, it ranges all the way from—we see gang members getting involved as early as 10 to 12.

We prosecuted two 13-year-olds for the crime of robbery-murder in the last 2 years.

It goes on up in some communities up until 25 to 30 years of age.

Senator SPECTER. The age of ending for juvenile offenders is 18 under California law?

Mr. BASCUE. Yes, it is, Senator.

Senator SPECTER. But you can prosecute some under 18 as adult offenders?

Mr. BASCUE. Yes. We can certify 16 and above, Senator.

Senator SPECTER. And below 16 they cannot be prosecuted as adult offenders.

Mr. BASCUE. That's correct.

Senator SPECTER. How about if the charge is murder, can——

Mr. BASCUE. Exclusive jurisdiction lies in juvenile court for 15 and below, Senator.

Senator SPECTER. For anybody under 16 regardless of the nature of the charge?

Mr. BASCUE. Yes. And it is a recurring problem we have because there are some 15-year-old young people in our community who are cold-blooded killers who are recidivist.

They get right back out. We'll put them into an institution. They'll spend a very short period. And it's like a revolving door.

Senator SPECTER. And when you have somebody who is under 16 who is prosecuted as a juvenile offender, what is the maximum amount of time that they can be kept in detention for those juvenile offenses?

Mr. BASCUE. Well, that would go to the California Youth Authority. And that's an indeterminate. In other words, how long——

Senator SPECTER. Can they stay there beyond 18?

Mr. BASCUE. Yes, they can, Senator.

They can stay up to the age of 21 and in certain instances up to 23. But our general——

Senator SPECTER. Twenty-three would be the maximum, say, for a 15-year-old who committed first degree murder.

Mr. **Bascue**. Absolutely.

But our profile for people who commit murder at the age of 15, they spend less than 3 years in the California Youth Authority, and they're returned right back——

Senator **Specter**. For murder.

Mr. **Bascue**. That's correct, Senator.

Senator **Specter**. So what is the experience, generally, as to sentencing?

Are the sentences insufficient for the nature of the crimes, in your judgment?

Mr. **Bascue**. Well, one of the things that happened—our community hue and cry about this crime problem—we have gotten longer sentences and longer sentences.

Senator **Specter**. Doesn't sound to me like you're up too high if the average is 3 years.

Mr. **Bascue**. Well, see, that's the problem. See, we've gotten longer sentences in our adult courts.

But what we've been facing recently has been the younger gang member committing the violent crime who goes to the Youth Authority. And the Youth Authority is still premised upon a pure rehabilitation.

So we're addressing that right now. The district attorney, Bob Philibosian, is going to introduce some legislation this year that's going to specifically address this problem requiring minimums on the juveniles who are convicted of murder. So we're going to seek legislative aid in that department this year.

Senator **Specter**. When Philibosian testified, he used the expression, "repetitive violent offenders."

I would be interested in a comparison on sentences between the repetitive violent offenders who are juveniles contrasted with the repetitive violent offenders who are adults.

Does Califorina have an habitual-offender statute which provides for a life sentence for someone convicted of three or, perhaps, four major felonies?

Mr. **Philibosian**. Go ahead.

Mr. **Bascue**. Well, we had a habitual-offender statute. And there are some enhancements available.

I do not believe that we have the life sentence for, quote, just purely the "habitual offender."

Senator **Specter**. What is the situation—shifting to adults for just a moment, if I may, as a basis of comparison to juveniles—for someone, say, who has been convicted of three or more armed robberies?

Can you generalize on what kind of a sentence that kind of an individual would get?

Mr. **Bascue**. As an adult that person would probably receive a sentence of, approximately, 8 years with appropriate enhancements, and would serve, realistically, probably, two-thirds of that in our prison system.

Senator **Specter**. I ask because one of the legislative proposals that I've had a special interest in has been the Career Criminal Act which passed, again, the Congress, but was part of this package which was subject to the pocket veto.

And it was my bill which provides that anyone who has been convicted of two or more robberies in State courts and is charged with a subsequent robbery or burglary would be subject to being tried in the Federal court with the speedy-trial provisions with a minimum of 15 years. I had wanted a life sentence, but compromised at 15 years.

And the thrust of that legislation, which would require the acquiescence of the local district attorneys—it could not be prosecuted in the Federal court without agreement by the U.S. attorney and the district attorney.

And one thrust of this legislation is—and it is patterned after a problem which I had when I was district attorney. I would have many defendants who would jump from one judge to another, judge shopping—very difficult to try the cases—and had several hundred of these career criminals.

And I felt that if I could send about five of them to the Federal court where they would get a mandatory 15-year sentence with the individual judge calendar which the Federal court had, that there would be an inducement for a tremendous number of guilty pleas.

I wouldn't get that kind of a sentence in my State court where we had tremendous problems of leniency and sentencing. But I thought that it would be great leverage for a district attorney to have the availability of that kind of a Federal procedure where if a few were taken to the Federal court, the others would be inclined to plead guilty in the State courts.

Would you have an opinion as to how that might be of assistance to you here with your own Los Angeles problems with the adult offenders?

Mr. PHILIBOSIAN. Senator, our office is in favor of such legislation. That would be helpful from the standpoint of the deterrent effect that you point out.

Also, our procedures—our court procedures in California are extremely lengthy, convoluted. They result in intolerable delays.

We have been trying to address some of those via some legislation. Supervisor Edelman has been involved with a countywide committee, as have some of the other members of the board of supervisors, including the chairman, Mike Antonovich, looking for ways to streamline our court processes, looking at the Federal system as a model for streamlining our own State court processes.

Such a program as you envision by means of your legislation would not only provide some short-term assistance, but would provide an additional model for us in modifying our own State procedures in the criminal courts.

Senator SPECTER. What kind of legislation are you looking toward for the juveniles which Mr. Bascue referred to?

Mr. PHILIBOSIAN. For juveniles, specifically, I'll let Mr. Bascue address that since he's been writing that legislation, Senator.

Mr. BASCUE. Well, Senator, what we're looking at right now, as I explained, in California a 15-year-old, let's call a recidivist or a violent gang member, commits the crime of murder.

He goes to the California Youth Authority. That's the maximum that can happen to him. How long that person stays in the California Youth Authority is up to the discretion of the California Youth Authority.

As they get more crowded, we here in Los Angeles see them open in floodgates, and they start releasing at earlier periods of time.

We want to take away some of that discretion and to put some minimums on the period of time that these murderers would spend because we find that the most dangerous people in the county of Los Angeles run from the age of about 15 to 21 years of age.

They commit the most violent—they compete—commit the most frequent offenses, and when they're returned within short periods of time back into their home setting to go right back in that gang-peer setting where they want to prove how tough they are—and we've had them time after time go right back to prove how tough they are. And they'll go right back out and commit another shooting.

Senator SPECTER. Are your juvenile institutions packed?

Mr. BASCUE. Yes. We have an overcrowding problem in our State.

Senator SPECTER. Do you have more than one inmate to a cell?

Mr. BASCUE. I believe our youth authority is limited, has been restricted. Unlike our adults, our youth authority institutions are limited to one, and that's created some of the crowding problems.

Senator SPECTER. Do you know what is the total capacity of the prisons under your youth authority?

I hadn't asked you that question before. So I know I catch you, perhaps, by surprise. But I'd be interested either to know that now or to have that figure furnished to us.

Mr. EDELMAN. We can get that information for you, Senator.

I do know that we are overcrowded, both in adult and juvenile facilities. And juvenile facilities require more space, more privacy for the individual, more recreation because of tender age.

Mr. BASCUE. Senator, we have a representative from the youth authority, and I've just been told that our inmate population in the youth authority statewide is 5,800.

Senator SPECTER. 5,800 in the youth authority. And that constitutes all the spaces you have, and you're filled up.

Mr. BASCUE. That's my understanding.

Senator SPECTER. So that what you're saying is that when new people are sentenced, the youth authority has to make a decision as to whom to release, somebody they might not like to release, but they have to because of limitations of space.

Mr. BASCUE. Well, Senator, I won't say the youth authority says that.

Under a prior administration we had that feeling in Los Angeles, that a lot of people were getting out a lot earlier than we wanted. I don't think that is the policy of the present administration. But we felt that effect in the last few years.

Senator SPECTER. And how about as to the adult offenders, are the same conditions prevalent, where all the spaces are taken now?

Mr. PHILIBOSIAN. We're overloaded now in the adult institutions, Senator. In fact, they are going to be building some tent cities at two of our prisons to house some of the nonviolent offenders.

We are overcrowded in our State prisons. As a long-term solution the people of this State have authorized by bond issues the building of additional prison facilities. But on a short-term basis we're looking at alternatives for housing those people.

Senator SPECTER. There are plans at the present time to build more prisons——

Mr. PHILIBOSIAN. Yes, sir, there are.

Senator SPECTER [continuing]. To be funded by bonds which California voters have approved?

Mr. PHILIBOSIAN. Yes. And in addition to that our new Governor, Governor Deukmejian, has been investigating ways of having prison construction financed by private industry with a lease-back to the State with a future option to purchase. This is one of the alternatives that's being explored by the current administration.

Mr. EDELMAN. Senator, can I just say—to answer your question.

The county used to hold Federal prisoners awaiting Federal trial in our Federal district courts.

The county was so overcrowded handling its own prisoners, we had to serve notice to the Federal Government to remove their Federal prisoners. And now they're no longer kept in our county facilities. They're kept at Terminal Island.

And I just noted that the administration has proposed building a Federal prison in downtown Los Angeles to help handle the number of Federal prisoners we can't handle in our own county prison.

Senator SPECTER. One of the things that the Committee on the Judiciary is considering is the issue of prison construction.

And a few years back there had been some proposals for very extensive prison construction ranging in the neighborhood of $4½ billion. All of that has become unfashionable today given the economies and the budget deficit.

But it is my sense that the American people would be willing to pay the price for what it costs for a criminal justice system that worked.

And we will again one day, perhaps not too far down the road, again be looking at this kind of a funding issue and some funding assistance from the Federal Government.

One of the bills which I had put in last year would provide where there were sentences under habitual offender statutes, life sentences by the 40-odd States which have those habitual offender statutes, that the Federal Government ought to take the responsibility for housing because many people are not sentenced to the kinds of sentences necessary because of insufficient jail space. And that would be, I think, an appropriate Federal initiative.

Mr. PHILIBOSIAN. Senator, I think that it's significant that the people of California have not been approving other bond issues.

Senator SPECTER. Well, I was focusing on that when you made the comment. I'm not, obviously, as close to the situation as you are.

But from afar, from Washington, we know the heavy emphasis on tax savings from California. You're the State which made proposition 13 famous.

So that's why I asked the question twice as to whether or not you were funding prisons.

Mr. PHILIBOSIAN. I think the point is that the people of California are willing to put their money where their mouth is when it comes to having facilities to incarcerate the people being prosecuted and convicted pursuant to the heavier penalties which the people have asked their legislators to pass in Sacramento and they're asking the judges to impose.

Senator Specter. Thats' very good.

Let me come back to one of the items which Mr. Edelman had commented about, a crisis-intervention network and your statement about the people who work there did not necessarily have the most exemplary background.

I take it the crisis-intervention network was handled by people who have records and who had experience in gangs, themselves, but who had been rehabilitated sufficiently to put in that kind of a supervisory role.

I'd be interested to know just how it worked.

Mr. Edelman. Well, Senator, we recognized going in that another civil-service-type program would not be the answer.

We had enough civil service programs. Law enforcement was working as hard as they could, and so these people were not hired under civil service regulations.

In fact, we set up this crisis intervention network outside of the normal county bureaucracy. It's an independent contract. The head of it is an independent contractor. And the county contracts with this person to provide the services.

The director can fire or hire people as he chooses, similar to what Benny Swan set up——

Senator Specter. Did the director, himself or herself, have a background——

Mr. Edelman. Yes, sir.

Senator Specter [continuing]. In juvenile violence?

Mr. Edelman. Well, I don't know about violence, but we have some—people with records for which they have served their time. We were aware of this.

And this was a risk that we felt we had to take at that particular time.

Senator Specter. How did it work out?

Mr. Edelman. Well, I think it's worked out OK.

As I say, going in we knew we'd have problems. And there have been problems from time to time in this program.

But when you consider the bottom line, Senator, that we have had through this approach, as well as with the sheriff and the district attorney and the probation department—we've had a bottom-line success in reducing the number of killings in this county due to gang-related activities.

Senator Specter. How big a unit was that? How many people did they employ?

Mr. Edelman. We started off without the city of Los Angeles joining our program.

We started off with about 40 to 50 people. Then we increased it somewhat. And then I got Mayor Bradley and the city council to join our program.

So all told now we have about 90 to 100 people working in street teams in various communities where there is a need.

Senator Specter. What role would you say for the Federal Government in assisting Los Angeles at the present time with your existing gang problem?

Mr. Edelman. We would certainly welcome some funding, Senator. We would welcome the type of funding that was heretofore used by the operation hardcore, the district attorney's good unit that has done such fine work in this area.

We would welcome funding for a coordinated approach for innovative approaches that would work and that would relieve the local taxpayers of the burden of carrying this program alone.

Mr. Philibosian. Senator, there is in place State legislation, gang suppression—gang violence suppression program through our office of criminal justice planning.

We have an advisory committee which Jim sits as the chairman of, which I sat as a member of in my former capacity as chief deputy attorney general. We will continue in that.

We have had a few dollars left over from LEAA funds which we used to fund about four lawyers. That was money that has now—or is now running out.

If we do not get additional funding, either through the State or through reallocation within our own short-staffed department, we're going to have to drop three lawyers in that particular unit.

If you like, Jim can address some of the specifics of the legislation that will enable us to spend the money wisely should that money be granted by the Federal Government or by the State government.

Mr. Specter. Yes, I'd be very interested in that, Mr. Bascue.

Mr. Bascue. Senator, I'll give you the citation. This is the California Penal Code, and it's section 13826.

[The following was submitted for the record:]

CHAPTER 3.5. GANG VIOLENCE SUPPRESSION

13826. Legislative findings, declaration and intent.
13826.1. Establishment of program; administration, allocation and award of funds; guidelines and procedurees; annual report; criteria for funding; composition of advisory committee.
13826.2. Enhanced prosecution efforts.
13826.3. Individual subject to gang violence prosecution efforts.
13826.4. Law enforcement agencies; enhanced efforts; criteria.
13826.5. County probation departments; enforcement of court ordered conditions of probation; activities.
13826.6. Community-based organizations; activities.
13826.7. Federal funds; operative effect of act.

Operative Effect

This act becomes operative only if federal funds are made available for its implementation, see § 13826.7.

§ 13826. Legislative findings, declaration and intent

The Legislature hereby finds and declares that violent activity by gangs is a serious and growing problem in the State of California. In enacting this chapter, the Legislature intends to support increased efforts by district attorneys' offices to prosecute the perpetrators of gang violence, support increased efforts by local law enforcement agencies to identify, investigate, and apprehend perpetrators of gang violence, support increased efforts by county probation departments to intensively supervise gang members who are on court-ordered probation, and support gang violence suppression efforts by community-based organizations. (Added by Stats. 1981, c. 1030, § 1. Amended by Stats. 1982, c. 1093, § 1.)

§ 13826.1. Establishment of program; administration, allocation and award of funds; guidelines and procedures; annual report; criteria for funding; composition of advisory committee

(a) There is hereby established in the Office of Criminal Justice Planning, the Gang Violence Suppression Program, a program of financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, and community-based organizations whcih are primarily engaged in the suppression of gang violence. All funds appropriated to the Office of Criminal Justice Planning for the purposes of this chapter shall be administered and disbursed by the executive director of the office in consultation with the California Council on Criminal Justice, and shall to the greatest extent feasible be coordinated or consolidated with federal funds that may be made available for these purposes.

(b) The executive director is authorized to allocate and award funds to cities, counties, and comunity-based organizations in which gang violence suppression programs are established in substantial compliance with the policies and criteria set forth in this chapter.

(c) The allocation and award of funds shall be made on the application of the district attorney, chief law enforcement officer or chief probation officer of the applicant unit of government and approved by the legislative body, or on the application of the chief executive of a community-based organization. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the Gang Violence Suppression Program, be made available to support the activities set forth in this chapter. Funds awarded under this program as local assistance grants shall not be subject to review as specified in Section 14780 of the Government Code.

(d) On or before April 1, 1983, the executive director shall prepare and issue written program and administrative guidelines and procedures for the Gang Violence Suppression Program, consistent with this chapter. In addition to all other formal requirements that may apply to the enactment of the guidelines and procedures, a complete and final draft of the guidelines and procedures shall be submitted on or before March 1, 1983, to the Chairpersons of the Criminal Justice Committee of the Assembly and the Judiciary Committee of the Senate of the California Legislature. These guidelines shall set forth the terms and conditions upon which the Office of Criminal Justice Planning is prepared to offer grants of funds pursuant to statutory authority. The guidelines do not constitute rules, regulations, orders or standards of general application.

(e) Annually, commencing November 1, 1984, the executive director shall prepare a report to the Legislature describing in detail the operation of the statewide program and the results obtained by district attorneys' offices, local law enforcement agencies, county probation departments, and community-based organizations receiving funds under this chapter and under comparable federally financed awards.

(f) Criteria for selection of district attorneys' offices, local law enforcement agencies, county probation departments, and community-based organizations to receive gang violence suppression funding shall be developed in consultation with the Gang Violence Suppression Advisory Committee whose members shall be appointed by the Executive Director of the Office of Criminal Justice Planning.

(g) The Gang Violence Suppression Advisory Committee shall be composed of five district attorneys; two chief probation officers; two representatives of community-based organizations; three attorneys primarily engaged in the practice of juvenile criminal defense; three law enforcement officials with expertise in gang-related investigations; one member from the California Youth Authority Gang Task Force nominated by the Director of the California Youth Authority; one member of the Department of Corrections Law Enforcement Liaison Unit nominated by the Director of the Department of Corrections; and one member from the Department of Justice nominated by the Attorney General. (Added by Stats. 1981, c. 1030, § 1. Amended by Stats. 1982, c. 1093, § 2.)

§ 13826.2. Enhanced prosecution efforts

Gang violence prosecution units receiving funds under this chapter shall concentrate enhanced prosecution efforts and resources upon cases identified under criteria set forth in Section 13826.3. Enhanced prosecution efforts shall include, but not be limited to:

(a) "Vertical" prosecutorial representation, whereby the prosecutor who makes the initial filing or appearance in a gang-related case will perform all subsequent court appearances on that particular case through its conclusion, including the sentencing phase.

(b) Assignment of highly qualified investigators and prosecutors to gang-related cases.

(c) Significant reduction of caseloads for investigators and prosecutors assigned to gang-related cases.

(d) Measures taken in coordination with law enforcement agencies to protect cooperating witnesses from intimidation or retribution at the hands of gang members or associates. (Added by Stats. 1981, c. 1030, § 1.)

§ 13826.3. Individuals subject to gang violence prosecution efforts

(a) An individual shall be subject to gang violence prosecution efforts who is under arrest for the commission or the attempted commission of any gang-related violent crime where the individual is (1) a known member of a gang, and (2) has exhibited a prior criminal background.

(b) For purposes of this chapter, gang-related means that the suspect or victim of the crime is a known member of a gang.

(c) For purposes of this chapter, gang violence prosecution includes both criminal prosecutions and proceedings in Juvenile Court in which a petition is filed pursuant to Section 602 of the Welfare and Institutions Code. (Added by Stats. 1981, c. 1030, § 1.)

§ 13826.4. Law enforcement agencies; enhanced efforts; criteria

Law enforcement agencies receiving funds under this chapter shall concentrate enhanced law enforcement efforts and resources upon cases identified under criteria set forth in Section 13826.3. Enhanced law enforcement criteria efforts shall include, but not be limited to:

(a) The formation of a specialized gang violence unit whose staff shall be composed of the most highly qualified and trained personnel.

(b) The efforts of the gang violence unit shall include, but not be limited to:

(1) Increased efforts to apprehend, prosecute, and convict violent "hard core" target gang members.

(2) Increasing the clearance rate of reported crimes which are targeted as gang related.

(3) Establishing more positive relations with, and encouraging the support of local citizens, community-based organizations, business representatives, and other criminal agencies.

(4) Aiding and assisting other criminal justice and governmental agencies in protecting cooperating witnesses from intimidation or retribution at the hands of gang members and their associates.

(c) Law enforcement agencies receiving funds under this program shall maintain a crime analysis capability which provides the following type of information:

(1) Identification of active gang members who have exhibited a prior criminal background.

(2) Identification of evolving or existing crime patterns that are gang related.

(3) Providing investigative leads.

(4) Maintaining statistical information pertaining to gang related criminal activity. (Added by Stats. 1982, c. 1093, § 4.)

Former § 13826.4 was renumbered § 13826.7 and amended by Stats. 1982, c. 1093, § 3.

§ 13826.5. County probation departments; enforcement of court-ordered conditions of probation; activities

County probation departments receiving funding under this chapter shall strictly enforce court-ordered conditions of probation for gang members.

(a) County probation departments supported under the Gang Violence Suppression Program shall implement the following activities:

(1) A Gang Violence Intensive Supervision Unit dealing with gang members shall be established.

(2) Criteria used to determine which probationer shall be assigned to the Gang Violence Intensive Supervision Unit shall be approved by the district attorney having a Gang Violence Prosecution Unit described in Section 13826.2.

(3) Probationers whose cases are assigned to the intensive supervision unit must be informed of what types of behavior are prescribed or forbidden. Such notice shall be provided in both oral and written form.

(4) Probationers whose cases are assigned to the intensive supervision unit must be informed, in writing, that all court-ordered conditions of probation will be strictly enforced.

(5) Deputy probation officers in the intensive supervision unit shall have reduced probationer caseloads and shall coordinate their supervision efforts with law enforcement and prosecution personnel. Such coordination shall in-

clude informing law enforcement and prosecution personnel of the conditions set for probationers and of the strict enforcement procedures to be implemented.

(6) Deputy probation officers in the intensive supervision unit shall coordinate with the district attorney in insuring that court-ordered conditions of probation are consistently enforced.

(7) Intensive supervision unit deputy probation officers shall coordinate, whenever feasible, with community-based organizations in seeking to ensure that probationers adhere to their court-ordered conditions. (Added by Stats. 1982, c. 1093, § 5.)

§ 13826.6. Community-based organizations; activities

For purposes of this chapter, a "community-based" organization is defined as a nonprofit operation established to serve gang members, their families, schools, and the community with programs of community supervision and service which maintain community participation in the planning, operation and evaluation of their programs.

(a) Community-based organizations supported under the Gang Violence Suppression Program shall implement the following activities:

(1) Providing information to law enforcement agencies concerning gang related activities in the community.

(2) Providing information to school administrators and staff concerning gang related activities in the community.

(3) Provide conflict resolution by means of intervention or mediation to prevent and limit gang crisis situations.

(4) Increase witness cooperation through coordination with local law enforcement and prosecutors and by education of the community about the roles of these government agencies and the availability of witness protection services.

(b) Community-based organizations supported under the Gang Violence Suppression Program shall implement at least one of the following activities:

(1) Maintaining a 24-hour public telephone message center for the receipt of information and to assist individuals seeking services from the organization.

(2) Maintaining a "rumor control" public telephone service to provide accurate and reliable information to concerned citizens.

(3) Providing technical assistance and training concerning gang related activities to school staff members, law enforcement personnel, and community members including parental groups. Such training and assistance shall incude coverage of how to prevent and minimize intergang confrontations.

(4) Providing recreational activities for gang members or potential gang members.

(5) Providing job training and placement services for youth.

(6) Referring gang members, as needed, to appropriate agencies for the treatment of health, psychological, and drug-related problems. (Added by Stats. 1982, c. 1093, § 6.)

§ 13826.7. Federal funds; operative effect of act

The Office of Criminal Justice Planning and the California Council on Criminal Justice are encouraged to utilize any federal funds that may become available for purposes of this act. This act becomes operative only if federal funds are made available for its implementation. (Formerly § 13826.4, added by Stats. 1981, c. 1030, § 1. Renumbered § 13826.7 and amended by Stats. 1982, c. 1093, § 3.)

Mr. BASCUE. This legislation was introduced initially by Assemblyman Martinez, who is very sensitive to the gang problem, given the community that he serves.

He—We set this program up to replicate the hardcore gang division statewide. If there were any Federal money available, they could be used through our office of criminal justice planning for district attorney programs in counties throughout the State.

After studying and talking among ourselves we realized that the most viable way to attack a gang violence problem was the coordinated effort approach that we have here in Los Angeles County, that is law enforcement, very specialized law enforcement people, probation components, and district attorney.

We also brought into this as the fourth component community-based organizations.

And, presently, funding through this statewide program—I think we have five counties involved throughout the State, big counties, small counties, rural.

See, the gang problem's just not an inner city problem. It's a suburban problem. It's a rural problem.

And these five counties have some community-based organizations funded and law enforcement and prosecution and——

Senator **Specter**. How adequate are your courts, your juvenile courts, to handle the trials and the dispositions of these matters? Are you backed up?

Mr. **Bascue**. Well, the congestion problem in our juvenile courts—it moves much quicker. We don't have the congestion problem. We have speedy justice.

Senator **Specter**. What is the average time from arrest to trial in the juvenile court?

Mr. **Bascue**. Less than 30 days, generally, Senator, very speedy. We do not have jury trials.

Senator **Specter**. You have benefited from the absence of the jury trial.

Mr. **Bascue**. Absolutely.

Senator **Specter**. That was our case out in Philadelphia—that held the line on jury trials in juvenile matters—went back to 1970–1972.

Mr. **Bascue**. Well, Senator, this particular legislation I spoke about, the Office of Criminal Justice Planning could only find the last year $800,000 to do a statewide program. And needless to say, we're all very concerned about the existing programs, that if we don't have additional funds by July, as Bob Philibosian indicated, we're going to lose five lawyers in Hardcore.

But these other counties and their programs which are just getting started—and their gang problem is growing. Now is the time to address it—they're going to lose those programs.

Senator **Specter**. How many judges do you have sitting on juvenile cases in Los Angeles County?

Mr. **Bascue**. I would just guess, Senator, and say it'd be somewhere around 60, and those would be part-time commissioners and judges, approximately.

Senator **Specter**. How does that compare with the calendar problems and backlog on the adult trials?

This is part of the calendar control issue that I'm concerned about. And this really leads into the question as to whether there might be some Federal funding in the issue of calendar control.

I know that's a tremendous problem in many cities, certainly is in the city of Philadelphia.

And I'd be interested in the way you are able to process your cases in the adult—sounds like you're in pretty good shape in juvenile court, trying cases on the average within 30 days.

Mr. **Bascue**. Well, from a time or calendaring perspective, we're in much better shape than, certainly, we're in the adult.

We have problems in our adult court. Both Supervisor Edelman and Bob Philibosian have mentioned the problems. There's just tremendous delay and congestion in our adult courts.

Senator SPECTER. What is the backlog of untried cases in the county, if you know?

Mr. PHILIBOSIAN. I don't have the figures with me. We can supply the figures to the committee.

We, of course, have our central courts downtown which are now operating relatively efficiently. We use the measure of how well we're doing by whether or not we have to invade the civil courts with any criminal court cases.

Since the first of January we have not had to send any criminal court cases in our downtown courts over to the civil courts.

Senator SPECTER. What is the total number of judges you have in Los Angeles County?

Mr. EDELMAN. Municipal and Superior?

Senator SPECTER. Yes. Trying criminal cases.

Mr. EDELMAN. Oh, trying criminal. I'd have——

Senator SPECTER. Would that be just the Superior Court judges? Municipal Court——

Mr. EDELMAN. No. They handle——

Senator SPECTER. They try preliminary hearings——

Mr. EDELMAN [continuing]. They handle preliminary hearings.

Senator SPECTER [continuing]. And lesser offenses?

Mr. EDELMAN. Misdemeanors, yes.

Do you know, Jim?

Mr. BASCUE. Senator, I don't have those figures.

Senator SPECTER. I would be interested to know. How many assistant DA's do you have now?

Mr. PHILIBOSIAN. We have approximately, 500 deputy district attorneys in the county of Los Angeles.

What I was going to point out to the Senator, in addition to the central courts downtown, we have eight branches of the Superior Court located in various areas of the county.

It is in some of those branches where we are experiencing tremendous overcrowding and tremendous backlogging of cases. We don't have the flexibility of the downtown courts there.

Senator SPECTER. In the 1960's many of us from around the country admired your system here when you put on deputy district attorneys at the discretion of the supervisors.

And the theory was that the supervisors would stand for election, and their conduct would be judged at that time.

And you had a much better ratio of deputy DA's—Evelle Younger was DA back in 1966—than so many of us did around the country.

Mr. PHILIBOSIAN. There was more money then, Senator.

Senator SPECTER. Well, that was a helpful factor as well.

Would there be any role that you can see, Mr. Philibosian, for the Federal Government on a grant which would aid you in any way on calendar control?

Mr. PHILIBOSIAN. We have had many, many studies on calendar control. I'm not sure that pouring more money into that is going to make very much difference.

Senator SPECTER. Do you have the individual judge calendar here?

Mr. EDELMAN. Master.

Mr. **Philibosian**. Well, we have various systems in different parts of the county. We have some that are direct calendar. Some are master calendar.

There's a great deal of autonomy among our Superior Court judges.

It's our conclusion that, really, what we need is to streamline our system. And that's something that we have to address through our own State laws——

Senator **Specter**. Have you considered the individual judge calendar?

Mr. **Edelman**. There have been, I think, some studies made of that.

Senator **Specter**. Does your Federal court have the individual judge calendar——

Mr. **Edelman**. Yes. Yes, they do. And, in fact, I know our new DA shares with me a concern about some of the procedural delays that are used in our State courts where we have, for example, lawyers questioning jurors on voir dire, rather than judges. That takes up a lot of time.

And we're moving, Senator, to try to look into how we can improve our criminal and civil justice systems without pouring in a lot of money, which, obviously, we don't have.

We will see some legislation introduced in Sacramento that will help.

Senator **Specter**. I would be very interested in any suggestions that you might have on the issue of calendar control, any role that you might see for the Federal Government.

My own sense of the situation is that the problem begins with the calendar control and the long delays. And the second facet is the adequacy of sentencing. And the third facet is the adequacy of the correctional facilities and that you have to move on all three fronts if we really are to have a chance of bringing the criminal system under control.

And, of course, the juvenile offenses are the starting point.

Back to the juvenile—just another question or two.

What is the quality of your rehabilitation facilities as to the juvenile offenders?

Mr. **Edelman**. In the county we have gone beyond what the State requires by opening up camps for the young person who has committed what would be otherwise a crime. Not all counties have done this in California.

So we keep a number of juveniles, try to rehabilitate them, try to give them work experience in an environment that we feel they'll benefit from.

We've had to open up more of these facilities because of the overcrowding.

But there's no question we have put more attention into our juvenile area over the last few years.

In the past, Senator, we used to have commissioners be the judges in those cases.

Now, I think, because of the great interest in how we're handling juveniles, we have judges handling these cases, not just commissioners, and very qualified judges who are handling these situations.

Senator SPECTER. Well, thank you very much, gentlemen.

Is there anything that you'd like to add, Mr. Philibosian?

Mr. PHILIBOSIAN. I have nothing more to add, Senator.

I want to thank the Senator and the committee for the opportunity to address you at this time.

Senator SPECTER. Well, I very much—we very much appreciate your coming. We have a transcript, and my colleagues on the Judiciary Committee will be very interested in these results. Thank you very much.

Mr. EDELMAN. We thank you for your leadership in this area. And we hope that you'll be more successful in those bills that you're——

Senator SPECTER. Well, I anticipate that we are going to be successful to the extent that you can persuade the Attorney General, who is a former resident of your area, or the President, who is a former resident of your area, to join my voice there.

We expect to be successful in getting them through and getting them signed with a little help from——

Mr. EDELMAN. Bob may have more influence than I.

Senator SPECTER. Has politics reared its head?

Mr. EDELMAN. Well, this is good politics.

Senator SPECTER. Thank you very much.

Mr. PHILIBOSIAN. Thank you, Senator.

Senator SPECTER. Our next witnesses that we're going to hear are Mr. Ramon Mendoza, a former gang member; Mr. Mike Duran, director of the Los Angeles Probation Department; and Mr. Tom Chung, executive director of the Community Youth Gang Services of Los Angeles.

But we're going to take a 10-minute recess before we proceed with those three witnesses.

[Recess.]

Senator SPECTER. Our next witness is Mr. Ramon Mendoza.

We appreciate your being here, Mr. Mendoza. I think it would be appropriate at the outset of your testimony to identify your own background.

On our witness hearing sheet, you are listed simply as a former gang member. But I understand that you are—well, I'll ask you what is your status at the present time? Are you in custody?

STATEMENT OF RAMON MENDOZA, FORMER GANG MEMBER

Mr. MENDOZA. I am.

Senator SPECTER. On what charge?

Mr. MENDOZA. Ex-con in possession of a firearm.

Senator SPECTER. And how long have you been in custody?

Mr. MENDOZA. Since January 11 of this year.

Senator SPECTER. And are you awaiting trial at the present time?

Mr. MENDOZA. I am awaiting the trial, yes.

Senator SPECTER. Mr. Mendoza, when we ask you these questions, we are interested in any light that you can shed on the problem of juvenile gangs or adult gangs or prison gangs.

But we do not want in any way to impinge upon any of your rights. So that if we ask you a question—I ask you a question that you would prefer not to answer, you have a perfect right to decline to answer any question.

You are not here by subpena, as you know. You have volunteered to come here.

But if any of the questions should get into an area where you feel that it might incriminate you, or make your life more difficult in any judicial proceeding, then you should feel free not to speak.

We are not governed here by the Miranda rules. You are not in custodial interrogation. You are not under subpena. You are free, so far as this proceeding is concerned. to walk out at any moment. You can't walk out generally because you're in custody.

But you don't have to answer any questions. And it would be foolish of me to say we will provide a lawyer for you because you are not here in that kind of a relationship.

But I do want it plain that we do not wish in any way to impinge upon your rights to make your life more difficult or ask you anything which is embarrassing.

So if any of that arises, you feel free to say, "I choose not to answer," or, "I choose not to say anything more."

Mr. **Mendoza**. I understand that.

With regard to my current charge, I intend to plead guilty anyway.

With regard to areas that I might feel are incriminating in other areas, I'll take your advice.

Senator **Specter**. All right.

I want to be very careful that we do not overstep any boundaries and we respect all of your rights.

I just want to make that plain.

You understand everything I've said?

Mr. **Mendoza**. Yes.

Senator **Specter**. OK.

That's fine.

Where are you a native of, Mr. Mendoza?

Mr. **Mendoza**. I'm from—originally from East Los Angeles. I was born in the Los Angeles area.

Senator **Specter**. Have you spent all of your life here?

Mr. **Mendoza**. Well when I wasn't in prison, yes.

Senator **Specter**. How long have you been in prison?

Mr. **Mendoza**. I have spent approximately 17 of my last 19 years behind bars.

Senator **Specter**. That's a long time.

How old are you?

Mr. **Mendoza**. Thirty-three.

Senator **Specter**. Thirty-three.

So you started in jail when you were 14?

Mr. **Mendoza**. About 15 years old. 14, 15.

Senator **Specter**. Fifteen years old.

And you spent 17 of the last 19 years in jail?

Mr. **Mendoza**. Approximately, yes.

Senator **Specter**. What were you first put in jail for?

Mr. **Mendoza**. I began—I began doing time for truancy, running away, basically for being incorrigible.

Senator **Specter**. Jail time for truancy?

Mr. **Mendoza**. Yes.

Senator **Specter**. For not going to school?

Mr. **Mendoza**. Well that was one of the additional charges. It was riding in a stolen automobile and truancy and being beyond parental control.

I was committed to the Youth Authority for that.

Senator **Specter**. You were committed to the Youth Authority at the age of 15 because of that?

Mr. **Mendoza**. Right.

Senator **Specter**. And what were your experiences in that Youth Authority?

Mr. **Mendoza**. In the Youth Authority I was—initially I was just a pretty naive person regarding the youth underworld and the street gang scene.

But during my 4 years in confinement in the Youth Authority, I became trained or schooled in the ways of the criminal.

Senator **Specter**. You went in as a naive 15-year-old and came out as an educated young criminal?

Mr. **Mendoza**. Exactly.

Senator **Specter**. What institution were you incarcerated in?

Mr. **Mendoza**. In the Youth Authority I spent time in just about all their facilities.

In the 4 years I was incarcerated in about nine. I was in Preston. I was at the Youth Training School in Chino. In Norwalk. In Paso Robles. Just about all of the Youth Authority places.

Senator **Specter**. What formal education, if any, was available to you there?

You were of high school age at the time. You would have been a freshman or sophomore in high school at the age of 15?

Did they have classes for you to attend?

Mr. **Mendoza**. They did. And they had trades.

They had available facilities there. But, again, you know, there were a lot of street gang people there and the peer pressure was enormous, or that's the way I felt.

Senator **Specter**. So you had the availability of educational opportunities, but you didn't utilize them?

Mr. **Mendoza**. That's correct.

Senator **Sepcter**. You could have taken courses in algebra or history or grammar or English literature?

Mr. **Mendoza**. I could have. And in fact I did. In between my acting up, while I was in there, to try to impress my peers, I did take some courses. And I graduated while I was in Youth Authority.

Senator **Specter**. From high school?

Mr. **Mendoza**. From high school.

Senator **Specter**. And you spent 4 years from the time you were 15 until 19?

Mr. **Mendoza**. About that, about 19 years old.

Senator **Specter**. And you were then released?

Mr. **Mendoza**. I was then released.

Senator **Specter**. How long were you at large?

Mr. **Mendoza**. I was at large, oh, about 90 days, about 3 months.

Senator **Specter**. And what happened to you?

Mr. **Mendoza.** Well I joined a street gang and subsequently became involved in a street gang fight in which I murdered a rival gang member with a machete.

Senator **Specter.** What gang was that?

Mr. **Mendoza.** Well, I was a member of the Barrio Nuevo Gang. And the rival gang was the White Fence Gang.

Senator **Specter.** And this goes back to about 1968 or 1969 then?

Mr. **Mendoza.** About early part of 1969.

Senator **Specter.** What was the nature of that gang fight? Tell us a little bit about it.

Mr. **Mendoza.** Well it was a situation in which I was jumped by members of the rival gang because I was an enemy of theirs and I was in their turf.

And I returned with members of my street gang and we retaliated.

Senator **Specter.** How many gang members jumped you?

Mr. **Mendoza.** There were about six or seven White Fence members that jumped me.

Senator **Specter.** You say White Fence?

Mr. **Mendoza.** Yeah. That was the name of the rival street gang.

Senator **Specter.** Were there racial overtones between the two gangs?

Mr. **Mendoza.** Well, the composition of both gangs were Mexican-American. There were no—the only racial overtones was that both gangs happened to be Chicano gangs.

Senator **Specter.** So you were jumped by how many, again?

Mr. **Mendoza.** About six or seven gang members.

Senator **Specter.** And what happened as a result of that?

Mr. **Mendoza.** Well, I was—I felt humiliated in the fact that not only I personally had been assaulted but my gang had suffered the humiliation of having been jumped by a rival, our arch enemy.

I returned to my street gang in East L.A. and told them what had happened. We gathered up the fellows and got our weapons together and returned in my car. And it was like a teen center, like a dance hall, and we ran in and began fighting with the other guys. They had pipes and boards, et cetera.

Senator **Specter.** Did the other gang have guns?

Mr. **Mendoza.** No. There were no guns at this point.

Senator **Specter.** What was the murder weapon that you used?

Mr. **Mendoza.** It was a machete. It was about that long [indicating].

The victim, what I did, I sliced his head during the confrontation. He died on the spot.

Later that night——

Senator **Specter.** Do you know whether he had been one of the six or seven who attacked you previously?

Mr. **Mendoza.** He was.

Senator **Specter.** Did you know that at the time you struck him?

Mr. **Mendoza.** No, at the time that I struck, I was just——

Senator **Specter.** It didn't make any difference?

Mr. **Mendoza.** It didn't make any difference because my anger was directed at that gang and their members and whoever died in the process, as far as I was concerned, it was considered gravy.

Senator SPECTER. So you had been out of jail 90 days and you had gotten yourself on a murder charge?

Mr. MENDOZA. Correct.

Senator SPECTER. And you were tried?

Mr. MENDOZA. I pled guilty to involuntary manslaughter and was sentenced to State prison.

Senator SPECTER. You pled guilty to involuntary manslaughter or voluntary manslaughter?

Mr. MENDOZA. Involuntary manslaughter.

Senator SPECTER. That was a pretty light conviction, wasn't it?

Mr. MENDOZA. It was.

Senator SPECTER. It doesn't sound like involuntary manslaughter.

Mr. MENDOZA. No. It wasn't. But I don't know. The possibility, from what my attorney told me, was that there were problems for the prosecution's office in acquiring witnesses to testify. And my street gang members were in a position where they could discourage them from testifying in that they would kill any of the guys that would show up to testify.

Senator SPECTER. And what sentence did you receive?

Mr. MENDOZA. I received a 6-months-to-15-years prison sentence.

Senator SPECTER. How long did you serve?

Mr. MENDOZA. I did a little over 6 years, about 6½ years.

Senator SPECTER. How long were you at large after being released at that time?

Now you're up to about 1975?

Mr. MENDOZA. Yes.

I might add at this point that I joined another gang while I was in San Quentin.

In 1970 I joined a prison gang called the Mexican Mafia.

And it was a gang made up of street gang members from Los Angeles. And it later carried out into the community, to the California communities.

And when I was released——

Senator SPECTER. How big was this gang?

Mr. MENDOZA. At that time or today?

Senator SPECTER. Well, at that time.

When you were in jail with this Mexican Mafia in San Quentin, how many gang members were there?

Mr. MENDOZA. OK. At that time in San Quentin there were approximately 20 to 30 legitimate members.

There was a total membership of about 100 to 150.

Senator SPECTER. What do you mean by "legitimate members"?

How many illegitimate members were there?

Mr. MENDOZA. Well, what I mean by legitimate are made members.

Illegitimate, as you say, are what I consider associates or hangers-[illegible] people that we would use in the furtherance of our activities.

When I was released then in 1975—while I was incarcerated in the various prisons, I had become involved in more gang-related homicides, but these were in prison.

So when I got out——

Senator SPECTER. Murders in prison?

Mr. MENDOZA. Murders in prison.

Senator SPECTER. You were involved in those?

Mr. MENDOZA. In several homicides while I was in there.

Senator SPECTER. Don't answer if you don't want to, but how many?

Mr. MENDOZA. Oh, I'd say about six, about six or seven.

Senator SPECTER. Were you ever tried on those?

Don't answer, again, if you don't want to.

Mr. MENDOZA. Was I ever tried on them?

Senator SPECTER. Were you ever charged or tried?

Mr. MENDOZA. I was charged with one of them. And I believe the D.A.'s office rejected it for lack of evidence.

Senator SPECTER. How did these six or seven gang murders occur? What were the circumstances surrounding them?

Mr. MENDOZA. Well, I can say that they were prison-gang-related murders in which the Mexican Mafia would have confrontations with rival gangs, such as——

Senator SPECTER. In prison?

Mr. MENDOZA. In prison. Such as Nuestra Familia and Black Guerrilla Family.

Senator SPECTER. Were there racial overtones in any of these?

Black Guerrilla, was that a Mexican-American gang as well?

Mr. MENDOZA. No. Nuestra Familia was Mexican American. The Black Guerrilla Family was comprised of black inmates.

Senator SPECTER. So there were racial overtones in the battles between the Mexican Mafia and the Black Guerrillas?

Mr. MENDOZA. Well, the only thing racial was the composition of the gangs, because the reason for the confrontations wasn't necessarily behind race.

Senator SPECTER. What was the reason for the confrontations?

Mr. MENDOZA. It was vying for power within the prison system for control of the respective prisons, which were San Quentin, Folsom, Soledad, all the prisons were——

Senator SPECTER. Were there branches of these gangs in all the prisons?

Mr. MENDOZA. There was and there are. They exist today in all the California prisons.

Senator SPECTER. Do prison officials know about that?

Mr. MENDOZA. They do.

Senator SPECTER. Do they care?

Mr. MENDOZA. They very much do.

Senator SPECTER. What do they do about it?

Mr. MENDOZA. To my knowledge, they try to isolate hardcore members as much as possible.

But, like I say, there are a lot of illegitimate members, as you termed it, or associates, that carry out the hits for the respective prison gangs.

Senator SPECTER. When you say there were six or seven gang murders that you were involved in—and, again, I invite you not to answer this if you choose not to—was there a serious effort made by the prison authorities to identify the perpetrators, or did they care very much if one gang was killing somebody from another gang?

Mr. MENDOZA. I would say they cared. But at that time I understood that there were conflicts between the prosecutor's office up north and the prison officials behind security responsibilities, or whatever.

And it's also very hard to prosecute a prison homicide because you have a lot of witnesses who will not, for their own safety, come up and testify as to what they saw.

Senator **Specter.** Well, were there prosecutions on any of these six to seven gang murders?

Mr. **Mendoza.** Well I'll have to refrain from answering that because we're getting into an area where I might——

Senator **Specter.** OK.

I think you have answered the wrong question. You're not answering the right question.

But as to whether there were any gang murders—the question that I'm interested in overall that this goes to is whether there was a real effort made by the prison officials to gain witnesses and prosecute where it would be possible.

Mr. **Mendoza.** My understanding is that—in my experience in all these type of homicides in prison—is that the prison officials do the best that they can.

Senator **Specter.** OK.

Now when you say these gangs were fighting over power, what kind of power was involved here?

Mr. **Mendoza.** Well, control of narcotic distributions in the prison system, control of the prostitution of male prisoners, homosexuals, and just essentially just to have the reputation that came with controlling and being the toughest gang on the mainline.

Senator **Specter.** Status?

Mr. **Mendoza.** Status, exactly.

Senator **Specter.** Anything else specific besides the factor of status and control of the male prostitution?

Mr. **Mendoza.** Well, with the Mexican Mafia I can say that their goal besides the prison status was to take their activities out to the outside and establish an organized crime cartel.

Senator **Specter.** Outside of the prison?

Mr. **Mendoza.** Outside of the prison system.

Senator **Specter.** And what kind of organized crime cartel activities did the Mexican Mafia engage in outside the prison, if you care to answer that?

Mr. **Mendoza.** OK. Yes, we became involved in executions, distribution of narcotics, contract hits—which would be the executions. Anything illicit, illegal that would further—you know, anything which we considered Mexican Mafia business we would involve ourselves for the purpose of furthering our organization.

Senator **Specter.** What was the range of cost for a contract hit?

Mr. **Mendoza.** Well, I was involved in one that paid——

Senator **Specter.** Now proceed to answer this only if you really want to.

Mr. **Mendoza.** I know, yes. Well I've already received immunity. I've testified in this case.

Senator **Specter.** Oh, fine. All right.

Mr. **Mendoza.** We received about $10,000 in heroin, free use of a bail bonds woman—rather her services as a bail bonds person to bail out members of the group. There were a few other little additions. I just don't recall at this time.

So it would range anywhere from free, which was considered Mexican Mafia business, those executions or contracts were performed for free. And the murder-for-hire type contract where an outside contractor would give the organization a hit, anywhere up to $20,000.

Senator **Specter**. On the one where you have already been granted immunity, was there a trial and conviction?

Mr. **Mendoza**. Yes.

Senator **Specter**. What were the circumstances of that contract murder?

Mr. **Mendoza**. It was a situation in which a bail bonds woman apparently coveted her husband's belongings, a couple of houses, a business establishment, et cetera.

And she approached the godfather of the Mexican Mafia.

Senator **Specter**. Was he in or out of jail?

Mr. **Mendoza**. He was out of jail.

And asked him if he knew of someone who could, you know, take care of this matter.

And he subsequently contacted me and gave me the order to have someone perform the execution.

Senator **Specter**. Were you in jail at the time?

Mr. **Mendoza**. No; I was out.

I arranged and orchestrated the hit. And I had a street gang member, who I described as a gang youngster, which he was, do the hit.

And the payment came afterward. It was $10,000 in cash, excuse me. It was $10,000 in cash and a quantity of heroin which I believe was about $60,000. We never received the heroin. But I had that mixed up.

Senator **Specter**. And how was the hit carried out?

Mr. **Mendoza**. The hit man went to—per information obtained from the bail bonds woman—the hit man went to her husband's place of business and entered and used a .45, put it upside his head and blew his brains out.

Senator **Specter**. And there was a prosecution in this matter?

Mr. **Mendoza**. There was. There were three convictions.

Senator **Specter**. Who was prosecuted?

Mr. **Mendoza**. Joe Morgan, the godfather of the Mexican Mafia; Helen Morazet, the bail bonds woman; and Artie Guzman, who was the trigger man.

Senator **Specter**. And you received immunity?

Mr. **Mendoza**. I received immunity.

Senator **Specter**. You were not prosecuted at all?

Mr. **Mendoza**. I was an unindicted coconspirator.

Senator **Specter**. When was this case completed?

Mr. **Mendoza**. I believe 1981.

Senator **Specter**. Were there other contract hits involving the gang that you know about, the Mexican Mafia gang?

Mr. **Mendoza**. There were. I don't wish to go into detail for obvious reasons. I can tell you that I was involved in anywhere from 15 to 20 contract hits. But, again, as far as the specific ones, I'd rather not go into it.

Senator **Specter**. Well, we'll respect that, Mr. Mendoza. In your own career you have brought us up to where you were released from jail in about 1975.

Mr. **Mendoza**. Right.

Senator **Specter**. And how long were you at large on that occasion?

Mr. **Mendoza**. I was at large from July of 1975 until October. At that time I was arrested.

Senator **Specter**. October of 1975?

Mr. **Mendoza**. Right. At that time I was arrested in Bakersfield for executing two members of Nuestra Familia, which was our rival prison gang.

Senator **Specter**. These members of Nuestra Familia were out of prison at that time?

Mr. **Mendoza**. Yes; they were. They were at their residence.

Senator **Specter**. What happened on that occasion?

Mr. **Mendoza**. Well, I was—I can talk about this one because I have since served time for it.

Senator **Specter**. Tried and convicted?

Mr. **Mendoza**. Yes.

Senator **Specter**. On a charge of murder?

Mr. **Mendoza**. Yes, on two counts of second-degree murder.

Senator **Specter**. Did you plead guilty?

Mr. **Mendoza**. I pled guilty.

Senator **Specter**. That doesn't sound much like second-degree murder either, does it?

Mr. **Mendoza**. What's that?

Senator **Specter**. Why was it classified a second-degree murder instead of first-degree, if you know?

Mr. **Mendoza**. I don't know. Again, I don't know what the prosecution's position was with regard to having their witnesses in one piece testify. I know that I chose to plead guilty to second-degree murder.

Senator **Specter**. You confessed to this incident?

Mr. **Mendoza**. Yes; I did.

Senator **Specter**. What happened on the incident, if you care to tell us?

Mr. **Mendoza**. Sure. Again it was a prison gang related murder in which we—which is myself and my codefendant—we sought to take over an area in Bakersfield for control to further our narcotic distribution activities. And in the process of doing this we came across two members of the Nuestra Familia, who at that time had a certain amount of control over the drugs in Bakersfield.

So to kill two birds with one stone, so to speak, we executed both guys to take over their narcotics and because they were enemies of the Mexican Mafia.

Senator **Specter**. How did you do it?

Mr. **Mendoza**. We incorporated the services of a female who knew these guys. She went to the residence with my brother, Mexican Mafia brother. And these guys didn't know him so she approached the residence with the guy and she used the ruse of making a drug transaction. And I waited in the car.

So what happened is once they got into the residence, they both pulled out revolvers on one of the brothers. And I followed in. We tied him up. And we waited for his other brother to arrive.

Senator **Specter**. How long did that take?

Mr. **Mendoza**. Oh, I think about 4 or 5 hours. In the meantime we eliminated the first guy. We stabbed him to death in a bedroom and left him in the room. And when the other brother arrived later—again, 4 or 5 hours later—we shot and stabbed him to death.

Senator SPECTER. How did you feel about committing those murders, Mr. Mendoza, if you care to answer?

Mr. MENDOZA. Well at that time I saw that as strictly Mexican Mafia business. I really didn't have any feelings either way. I wasn't overjoyed with it. At the same time I didn't feel much remorse. It was again——

Senator SPECTER. Any remorse?

Mr. MENDOZA. At that time, no.

Senator SPECTER. Now?

Mr. MENDOZA. Oh, now, yes, of course. In fact while I was in the county jail, I had a lot of time to reflect on my life, where I was headed, what I had done. And I was greatly influenced by the Christian people who were allowed to come in and witness. And I embraced Christianity at that point and decided that I was going to disassociate myself from that organization.

Senator SPECTER. When did you embrace Christianity?

Mr. MENDOZA. Oh, that was in 1976 while I was at the Kern County Jail. The main motivation behind all this was the murders that I had been involved in. I was pretty upset when I really got to thinking about how easily it could be me. I got to thinking about the victims' families and how much they must have suffered for losing their loved ones.

Senator SPECTER. How much time did you serve for that double murder?

Mr. MENDOZA. A total of 6 years.

Senator SPECTER. From 1975 through 1981? 1976 to 1982?

Mr. MENDOZA. No. Well, I have to relate something that happened.

Senator SPECTER. Fine.

Mr. MENDOZA. I was arrested October 1975. I was released in March 1977, on a technicality. The charges were dismissed on a speedy trial issue.

When I was released in March 1977, I became an undercover operative. I approached the prison gang DEA task force and offered my services to assist them against the Mexican Mafia as an undercover operative.

Senator SPECTER. You offered that to Federal agents in DEA?

Mr. MENDOZA. Right. Who were members of the prison gang task force.

And in that capacity I assisted in locating various murder fugitives, suspects in other crimes, bank robbery, et cetera.

To cut that short, in December of that year the appellate court ruled that the earlier dismissal was illegal. And so I was returned and paid my price for the murders I committed back in 1975.

Senator SPECTER. What did you think about being released on that speedy trial technicality?

Mr. MENDOZA. Well, without sounding too corny, I looked at it as the Lord intervening and allowing this to happen.

But I mean those were my feelings at the time and I was elated, you know, of course, and I felt that I had been given a reprieve by a much higher authority.

Senator SPECTER. But then an even higher authority reversed that.

Mr. Mendoza. No. What happened is that I went out and even though I was working undercover I was still selling drugs. I was using——

Senator Spector. Did the DEA know you were still selling drugs?

Mr. Mendozo. No, no, they didn't. In fact, they told me that they——

Senator Spector. That was only a part-time activity?

Mr. Mendoza. Well, I told them that the only way that I could become involved with the Mexican Mafia and effectively serve as an undercover person would be to involve myself in some capacity in some type of criminal activities.

Senator Specter. So the DEA knew that you were doing that?

Mr. Mendoza. No. They made it clear to me that they could not give me a license to commit a crime. But my feeling was that they were willing to turn the other way as long as I gave them the more serious stuff.

Senator Specter. So are you saying you were selling drugs in order to establish your credibility to perform this undercover work or you were selling drugs because you wanted to do that for your own reasons?

Mr. Mendoza. For both, to maintain my credibility and my status among the group and to profit.

So in that sense I had regressed to the old form. And subsequently the higher authority that you speak of reversed the case and I was taken back.

Senator Specter. That's the appellate court?

Mr. Mendoza. Right.

Senator Specter. And you went back to serve the balance of this 6-year sentence?

Mr. Mendoza. Correct.

Senator Specter. And that ran through until sometime in 1982?

Mr. Mendoza. October 1982.

Senator Specter. And you were at large from October 1982 until January 11?

Mr. Mendoza. Right.

Senator Specter. And January 11 you were arrested on this charge?

Mr. Mendoza. Possession of a handgun, for being an ex-con in possession of a handgun.

Senator Specter. And you intend to plead guilty you have already said.

Mr. Mendoza. Yes. I did possess a handgun.

Senator Specter. What suggestions would you have for law enforcement on how to deal with gangs in prison, Mr. Mendoza?

Mr. Mendoza. In prison?

Senator Specter. Start with in prison and then we'll talk about gangs out of prison.

Mr. Mendoza. Well, I would say that, first of all, the death penalty should not only be there and saying that it's OK, we can use it, but it should be implemented.

I think that that would deter—the old saying, "If you save one life, you've done something," but I think it would deter more than that.

Senator Specter. Why do you think the death penalty would be an effective deterrent?

Mr. Mendoza. Well I think that a lot of people when they are out there premeditating their murders, especially within the Mexican Mafia, I think that a lot of them would be hesitant to carry it out.

Senator Specter. Would it have made a difference to you if you had thought that the death penalty was a realistic possibility for punishment for the murders that you described, if you had known the death penalty were available?

Mr. Mendoza. It's hard to answer. But knowing my brainwashed state at that time, I would probably have to say that it wouldn't have made a difference.

Senator Specter. So why do you think the death penalty would be a deterrent then?

Mr. Mendoza. Because I know some of the members that are in those groups, and I don't think they were as fanatically—their loyalty to that group is as fanatic as mine was.

Senator Specter. Did you ever have discussions with those men about the death penalty which gives you some basis for saying that the death penalty would be a deterrent?

Mr. Mendoza. We had discussions. But, again, I'm just going on my own feeling of knowing these guys and knowing them a lot more intimately than other people because they have to maintain fronts.

But, me knowing them the way that I do, I would say that it would have a deterrent effect.

Senator Specter. Well, why do you say that? Did somebody tell you that?

Mr. Mendoza. No.

Senator Specter. Because you're saying that as far as you yourself are concerned it wouldn't have made a difference the way you were out of touch with reality, or brainwashed.

Mr. Mendoza. Well, I can say that there are some fanatics within that group that——

Senator Specter. It wouldn't make any difference?

Mr. Mendoza [continuing]. It wouldn't make any difference.

Senator Specter. But some it would. Now why do you say it would as to some?

Mr. Mendoza. Again, I'm just going on my instincts.

Senator Specter. Just your own feelings?

Mr. Mendoza. Right. On knowing them and knowing how they react under certain pressures.

Senator Specter. Beyond the issue of the death penalty, what suggestions would you have for dealing with gangs in prisons?

Mr. Mendoza. Well, the only thing I can think of is when they return to prison on violent offenses that they should, you know, make them spend more time in prison.

Senator Specter. Do you agree with the principle that where you have a habitual offender that they ought to have life sentences?

Mr. Mendoza. Well, I'm not very familiar with that law, so I can't really respond to that.

Senator Specter. Well, a habitual offender is someone who has been convicted of three or four major felonies.

Mr. MENDOZA. Oh, yeah.

Senator SPECTER. Robberies or burglaries.

Mr. MENDOZA. Sure. I agree with that.

Senator SPECTER. Once you are a habitual offender you ought to be in jail for life?

Mr. MENDOZA. I don't know about life, but for a great amount of time.

Senator SPECTER. How long would you say? Fifteen years?

Mr. MENDOZA. I would say it should vary on the individual. I think that every case is an individual case. I don't really know that you—that it's——

Senator SPECTER. Isn't there some stage where an individual is really a confirmed career criminal, a habitual criminal, at some point in their career, where you know that they are dedicated to a life of crime?

Mr. MENDOZA. Well, again, I can bet you that there are a lot of people who would have said that I was the type of person that would never be rehabilitated or would never turn from the life style in that suicidal course that I was taking. And look what happened.

Senator SPECTER. Well, what has happened?

Mr. MENDOZA. Well, I turned from the homicides. I turned from the pattern of living that I was involved in before.

Senator SPECTER. But you still sell drugs, or sold drugs?

Mr. MENDOZA. No, sir.

Senator SPECTER. You said that you sold drugs in 1977 after you embraced Christianity.

Mr. MENDOZA. Oh, yeah, right. I did that, yes.

Senator SPECTER. And you are in possession of a gun in January of this year?

Mr. MENDOZA. Well you're not aware of the circumstances.

Senator SPECTER. Would you care to say?

Mr. MENDOZA. I can only say that the gun that I possessed was for my own protection and I did not intend to hurt anyone.

Senator SPECTER. Mr. Mendoza, what suggestions would you have for law enforcement dealing with the street gangs like numerous street gangs that are present in Los Angeles?

Mr. MENDOZA. Well, I would say that they should pursue, or better put, they should continue to diligently pursue the more hardcore street gang members, the heavyweights.

Senator SPECTER. How?

Mr. MENDOZA. Effective prosecution. They have a unit now that really prosecutes the more hardcore guys.

Senator SPECTER. Do you think Unit Hardcore is effective?

Mr. MENDOZA. From talking to the guys in the neighborhood, I feel that they are and that they get the leaders off the streets for extended periods of time.

And if for no other reason than to protect society, I think that it's very, very effective.

Senator SPECTER. Do you think that the juvenile courts are tough enough on these juvenile gang members?

Mr. MENDOZA. No. No.

Senator SPECTER. What should happen to a juvenile gang member who engages in these——

Mr. MENDOZA. I think there should be a way to determine, with youngsters that are below the adult age, to determine which of these kids are demented hardcore or headed in that career criminal road.

And they should—I don't know if—well, obviously more time for them.

Senator **Specter**. More time in jail?

Mr. **Mendoza**. More time in jail.

But I think it goes beyond that. It's a lot deeper than just time. I don't think that time is always the solution.

Senator **Specter**. What else should be done?

Mr. **Mendoza**. Well, speaking with regard to the Mexican-American communities, I know there is a language barrier that exists and there is a lot of discrimination. I think that the people——

Again, coming from a causation point of view, the schools could be improved, more bilingual teachers, more qualified bilingual teachers.

Senator **Specter**. Mr. Mendoza, you speak very well, conduct yourself well.

Are you typical, would you say, of somebody who has come up the route that you have described?

Mr. **Mendoza**. Typical in what sense?

Senator **Specter**. Well, you answer questions. And your sentence structure and your vocabulary and your grammar suggest someone who is well educated.

Mr. **Mendoza**. OK. I might talk a little better than some of the street gang guys. But I went through the same madness that they went through, experienced the same peer pressure, and committed more crazier acts than the average guy.

Senator **Specter**. What could have been done to pull you out of that crime cycle at an early age, say, when you described yourself as a truant and not subject to parental control?

Mr. **Mendoza**. I don't know. That is very hard to answer.

Maybe if I could have latched onto someone that I really looked up to, maybe—I don't know, maybe a priest or maybe an uncle or somebody.

Senator **Specter**. What was your family background like, if you care to answer?

Mr. **Mendoza**. Well, I had a stepfather who I really didn't get along with. My mother was my No. 1.

Senator **Specter**. You got along well with your mother?

Mr. **Mendoza**. Oh, yeah, very well.

Senator **Specter**. Did you listen to her?

Mr. **Mendoza**. I tried. I was an altar boy when I was 11. I did pretty good in school.

But, you know, the problems I had with my stepfather kind of helped push me the other way. That's when I started running away from home and all that stuff.

Senator **Specter**. Would you have any suggestions as to what could be done in a case like yours to try to pull you out of this crime cycle?

Mr. **Mendoza**. Well, I would say more counseling, more concerned people to involve themselves with the youngsters, more sincere religious people to involve themselves with their spiritual life, which I think is very important.

Senator **Specter**. Now, except for the intervention of religion in your life, were you pretty well a goner by the time you had spent 5 years in jail up to the time you were 19?

Mr. **Mendoza**. You mean until I picked up the first murder?

Senator **Specter.** Well, you described your life in the juvenile detention facilities and you said that you learned how to be a criminal there. Were you savable at that point aside from the issue of finding Christianity?

Mr. **Mendoza.** At that point I hadn't been introduced to the Christian point of view.

Senator **Specter.** Well, aside from being introduced to Christianity, which you described occurred to you in 1977, which has given you a new perspective on your own life as you described it, aside from that, at what point were you lost?

Were you lost when you went to jail for 4 years between 15 to 19, or were you lost after you had the manslaughter conviction when you hit the kid with the machete?

Mr. **Mendoza.** Right there. I think it was right after that machete incident, right after that conviction something dramatic had to happen in my life in order for me to change that course because I was headed toward inevitable death or life in prison.

Senator **Specter.** And to the extent that you can be saved, you would attribute that to your insights into religion?

Mr. **Mendoza.** That's the only thing it could be.

Senator **Specter.** Do you think that's a possibility with a significant number of people in circumstances like you found yourself?

Mr. **Mendoza.** I think so. I think so. I think if people really stop and think about it, I think that has a lot to do with it.

Senator **Specter.** Mr. Mendoza, we very much appreciate your volunteering to come forward. Is there anything you'd like to add at this point?

Mr. **Mendoza.** No, sir.

Senator **Specter.** Thank you very much and good luck to you.

I'd like to call at this time Mr. Thomas Chung, executive director of Community Youth Gang Services of Los Angeles, and Mr. Mike Duran, director of the Los Angeles Probation Department.

Mr. Duran, thank you very much for joining us. Mr. Chung, thank you very much for joining us.

The focus of our hearing, as you know, is to try to gain some insights into how to handle juvenile gangs.

I would be interested at the start in any reactions you have to the last story of Mr. Mendoza.

There is a very dramatic example of the crime cycle which I have described on many occasions before coming here, youngsters are truants at 7 or 8, vandals at 9 or 10, petty larceny at 11 or 12, burglary of vacant houses at 13, robbery at 15, and armed murder at 17.

Where do we go?

Mr. Chung, would you care to start?

STATEMENT OF TOMMY CHUNG, EXECUTIVE DIRECTOR, COMMUNITY YOUTH GANG SERVICES OF LOS ANGELES COUNTY

Mr. **Chung.** Sure.

Thank you, Senator, for giving me the opportunity to be here.

Unfortunately, I think that the story we just heard, the testimony we just heard, probably runs a lot more true than many of us would like to admit.

But at the same time I think we have to look at not only the individual's behavior, but the behavior of the community at large, and to look at the issues that have created the kind of environment that he was relating to, the lack of certain types of support systems, the lack of his parents being able to keep him under control or give him the kind of guidance that he was looking for.

I think these are some issues that are very significant and that we all have to face whether we be in Los Angeles or anywhere else in this country today.

The dangers that develop from stereotyping an individual who has had some problems in the past, he or she, can leave a community facing more difficulties in trying to address those root-caused problems. You, the community, set up additional barriers for the individuals to be able to overcome something, to begin to have positive feelings about themselves, and feel like they can be constructive, productive persons in this society.

Senator **Specter**. Mr. Chung, if you could turn the clock back 19 years on Mr. Mendoza, go back to the time that he was 14 and you had that young man before, what would you do?

Answer in two parts:

What would you do, given the current resources?

And what would you do if you had your druthers, resources of a more expansive nature than those now available to you?

Mr. **Chung**. I think that, one, you have to not only work with the individual, but the individual needs to be worked with.

As he mentioned, he was looking for a role model. He didn't have that. But its important to help that person find a role model, somebody who could identify with him and maybe who had some similar experiences and had found a way to work within the society, work the system, and become somewhat successful; successful in the sense that that person feels like they are a constructive person, that they are productive, that they are not going to ignore the system, but to try to work within it.

And whether it's going to be counted in dollars or whether it's going to be counted in a meaningful friendship, those are some issues that have to be looked at.

And then you have to look at the parental structure and the family structure around that. Take the family structure and try to build support systems within that, particularly communication points.

Senator **Specter**. How do you do that?

Mr. **Chung**. Well, it's different strokes for different folks and different strokes for different cultures.

Many times the problem in making an address or reaching a particular group, whether it be for gang violence, whether it be a poverty issue, whether it be drug abuse, or what have you, too many times people try to find one answer. They look for one common denominator that is going to be the answer and if we used to address a particular issue, will solve all the problems.

It doesn't work that way. In fact, it creates failures because you put up criteria that other people have to meet and it's not relative to their particular issue.

So you have to go in and deal with it almost on an individual basis, but with the experience gained in successfully addressing similar kinds of issues that have come up.

Senator SPECTER. Is it realistic to do in the sense of difficulty of generalizing as you have just pointed out, so that you had a 15-year-old boy, Ramon Mendoza, and without having an extensive psychiatric or psychological dossier, knowing a tremendous amount about him, is it realistic to ever postulate sufficient resources to be able to deal with that kind of an individualized mind?

Mr. CHUNG. There was a time that I felt that only the people in the street could deal with the people in the street, which was about 15 years ago.

But I have since learned that there is a lot of knowledge that psychiatrists and other professionals can give, but it's something that I think you have to merge, a street survival, a certain kind of sensitivity that comes from the heart, together with intellect.

Senator SPECTER. Mr. Chung, at this point, let me get just a little bit of your own background: educational background, professional experience, current work activity.

Mr. CHUNG. I'm currently the executive director of the community youth gang services project.

Experience, I guess that brought me to this most recent position or I would still be in the field of substance abuse.

Senator SPECTER. Substance abuse?

Mr. CHUNG. Substance abuse.

Senator SPECTER. Drugs?

Mr. CHUNG. Drugs and alcohol, mental health.

Senator SPECTER. What is your educational background?

Mr. CHUNG. Well, I did get an AA. But that was after I was already into the field. I got that through the National Institute of Drug Abuse in a program in Washington, D.C.

Senator SPECTER. And the AA is?

Mr. CHUNG. In mental health.

My experience includes four consecutive terms as cochairman of the National Drug Abuse Conference, which helped me coordinate over 22 national task forces throughout the country, and establish a training site for the State Department to train Pacific Rim countries in the field of drug abuse programing and treatment. I also established and aided in the criteria development for the medical institutions throughout the country that are now part of that criteria for their licensorship. In addition, I worked for a number of years with the Domestic Council at the White House to deal with legislation that is applicable to the local levels.

Senator SPECTER. Mr. Duran, would you give us your educational background and your work history prior to becoming director of the Los Angeles Probation Department specialized gang supervision program?

STATEMENT OF MIKE DURAN, DIRECTOR, GANG SUPERVISION PROGRAM, LOS ANGELES COUNTY PROBATION DEPARTMENT

Mr. DURAN. I have a masters in public administration. I have a bachelor in social work with a minor in journalism. And an AA in journalism and social work.

Senator SPECTER. How old are you, Mr. Duran?

Mr. DURAN. Fifty-five.

Senator SPECTER. And where did you get your bachelor's degree?

Mr. DURAN. Cal State L.A.

Senator SPECTER. And your master's degree?

Mr. DURAN. Cal State L.A.

Senator SPECTER. And how long have you been working for the Los Angeles Probation Department?

Mr. DURAN. First time around from 1955 to 1965, which would have been 10 years. And then I transferred out of the probation department. I worked in other departments within the county. And then I've been back with the probation department for the last 2½ years.

Senator SPECTER. Mr. Chung, I didn't ask you how old you are. If I may, please?

Mr. CHUNG. I'm 40 years old.

Senator SPECTER. Mr. Duran, you heard the testimony of Ramon Mendoza.

Mr. DURAN. Yes.

Senator SPECTER. What would you have done if you had had that young man before you when he was 14 years of age and some insights into the next 19 years of his life?

Mr. DURAN. He mentioned the two gangs, the one he belonged to and the rival gang. It just so happens when I was working with the probation department the first time out, which is around 1960, I worked both those areas that he is talking about.

And he's the prototype of a lot of youngsters that came out of that neighborhood.

Senator SPECTER. Typical.

Mr. DURAN. Typical.

But, no, I shouldn't say that. I would say that he is not typical. I would say more that if I horsed around with, say, 50 or 60 members of Barrio Nuevo that 4 or 5 or 6 were that type of youngster.

The rest of them I thought——

Senator SPECTER. Weren't as bad?

Mr. DURAN [continuing]. Weren't as bad, weren't as easy to lead or become the type of followers that Mr. Mendoza became later on.

Senator SPECTER. Well, Mr. Mendoza had a lot of initiative.

Would you say he was a follower? He was pretty much an up-front guy, wasn't he?

Mr. DURAN. From his statement, he was made by the California Youth Authority.

The last part of his statement here was that you ought to give them more time and harder time. Well, he got that. He got the benefit of more time and harder time at a very young age. And as a consequence of that it seems to have hurt him instead of helping him.

Senator SPECTER. Why should you put somebody in custody with the youth authority if there sole situation is being incorrigible, being a truant, and not following parental orders?

There is no crime involved in any of that.

Mr. DURAN. I don't know what the circumstances were. There might have been something added to that because now our cases in the county are 602's. That's what sends you off to the youth authority.

Senator SPECTER. What's a 602?

Mr. Duran. Those where you commit some kind of a felony as juveniles.

Senator Specter. So you would be surprised, at least by current standards, if somebody went to the youth authority with just what Mr. Mendoza described his situation to be, specifically truancy and——

Mr. Duran. Very much so, yes. There are other places you can send them to.

Senator Specter [continuing]. Not following parental orders?

Mr. Duran. Right. There are other places along the line.

With what he mentioned, he might begin with suitable placement, you know, in foster homes or other types of placements. And then from there he might graduate up to the forestry camps that Supervisor Edelman talked about.

Senator Specter. So one thing you would do would be not to send somebody like Mendoza to the California Youth Authority?

Mr. Duran. Not without some kind of psychiatric examination.

Senator Specter. What is the availability of psychiatric examination?

Mr. Duran. I think that it's available if somebody has a lawyer to recommend it.

Senator Specter. Well, everybody has a lawyer these days, don't they?

Mr. Duran. Just about. But if that lawyer does not ask for mental——

Senator Specter. Regardless of who pays for it, everybody has a lawyer.

I saw a headline in yesterday's Los Angeles Times, about $23 million last year and the price going up.

Gideon v. *Wainright* has made that guarantee come true.

But what kind of psychiatric evaluation is available?

How much can there be for those charged or accused of crime or convicted within the resources available?

Mr. Duran. During the placement of a juvenile in juvenile hall, he has the option by way of a county mental health specialist to have that.

Senator Specter. How much can he see the mental health expert?

Mr. Duran. That I wouldn't know. It would have to be up to possibly the probation officer that is investigating. If he has already gone through court, the court officer or the judge might state that besides recommending a particular type of sentence that he also get some kind of psychiatric examination.

Senator Specter. But people who go through analysis for 5 years, 5 days a week, frequently find no answers to their problems.

Those kinds of resources are certainly not available to very many people.

What do you think of the Operation Hardcore, Mr. Chung? How well do you think that is functioning?

Mr. Chung. I think the concept of Operation Hardcore is essential in today's situation.

We have far too much violence out there. And the ones that are doing the shooting—the main shooters—they need to be taken to task. And they need somebody who can concentrate and hone in on them and who won't be intimidated by elements outside of the judicial system.

So, therefore, I think that Hardcore is good.

I think that much of the efforts by the special task forces in law enforcement efforts are good.

I don't think law enforcement in itself is the answer.

I also don't think that it is easy to coordinate interagency efforts as well as additional kinds of efforts.

And the new innovative approaches, such as CYGS, are something that I feel have proven their worth, not only in Philadelphia, but because of the changes that were made here in Los Angeles to meet the geographic areas, the multicultural approaches and the vast number of gangs in this particular city and county, here as well.

Senator SPECTER. How many different cultures are involved in the gang problem here, Mr. Chung?

Mr. CHUNG. Well, we have those Hispanics, blacks, Asians, and whites that were born here in the United States. We have those that were foreign born that come in. Then we have those that have different economic status and we have those that speak English and those that don't speak English—all of different makeups of the particular gangs.

So there are some differences in those ways and there are differences in the sense that some are long entrenched here in the area and there are new ones that have just developed.

Senator SPECTER. Well, you have just ticked off nine different factors, all of which have a lot of subspecialities.

Mr. CHUNG. Very much.

Senator SPECTER. What can the Federal Government do to be of assistance in a justice assistance program, recognizing that what we were finally able to persuade the administration to put up is $90 million?

Mr. CHUNG. I think that it's important to support, but not be limited to, those existing law enforcement agencies that have specialized concepts, and to make special provisions for programs such as the community youth gang services project.

The rationale behind that particular issue is the coordination and the buffer role that Community Youth Gang Services plays. CYGS allows another funnel of information and communication to take place on the community level.

There is too much of the either/or kind of concept when a lot of people want to be law-abiding citizens and want to do something but they are afraid and, because of their own local peer pressures, they don't go out and talk to law enforcement as readily as we would ideally like to see take place.

We can't just say because that's the right thing to do, that people will do that. There has to be progress for that to happen.

And there are some drawbacks or problems that you would encounter in developing that. And it's not so much, I don't think, on the part of agencies as a whole but individuals who may be in that agency whose egos may get in the way and feel like they——

Senator SPECTER. Their what?

Mr. CHUNG. Their egos may get in the way or they may feel that their power is being usurped in some kind of manner.

Therefore, it is important to not only identify funds that would go to these alternative programs, but some sort of criteria for the agencies must be established to require interface with the particular programs that would be there.

This can be done by legislative language or contract language in the boilerplates.

In addition, I think that an established target period ought to be identified by the Federal Government so that we have a massive movement and not just a sporadic funding of individual programs.

The problem with that is we find that there are many small programs all around. Small programs could be anywhere from, you know, $1 million or less operationally. And they don't communicate; one doesn't know what the other is doing. So we duplicate time and effort to achieve the same goal when we can tie in our particular efforts and make a massive movement because you need to change not only the youth's behavior and give them some hope to do it, you have to change the adult's behavior in a community to believe that something can be done, so they don't continue to say, "That's the way it's been, that's the way it always is, and that's the way it's going to be."

Senator SPECTER. Mr. Chung, during the break my attention was directed to some of the problems that have existed within the community youth gang services and the question was raised as to whether some of the counselors have been themselves arrested while in the employ of the gang services agency.

Mr. CHUNG. There is no doubt about that, sir.

Senator SPECTER. What has the experience been and how would you evaluate that?

Mr. CHUNG. First of all, when any program gets established, let alone one as controversial as this one has been, the minute you give a dollar you expect 100 percent for your dollar in meeting those particular goals.

I think the community youth gang services has achieved something in a short period of time that no other agency has a track record of.

The problem that a lot of people had with our service was that they didn't understand what we were doing in the beginning.

And we could not get people straight from the academic field or law enforcement background to become staff people to go in and talk directly with the youth and have the kind of mutual respect that we needed to have with the youth.

The problem was where the gang activity was taking place. And we chose not to go through the normal information developing networks that community legislators have.

Senator SPECTER. So where did you get the people?

Mr. CHUNG. So we went to try and get as many street people from the local area or street-wise people.

Senator SPECTER. How much did you pay them?

Mr. CHUNG. A thousand dollars a month. OK. Which is I don't think anything——

Senator SPECTER. So not surprisingly you had some problems?

Mr. CHUNG. For real. You couldn't get—for some people this was the best paying job they ever had and for some of them it was their first paying job. But they went out there to do——

Senator **Specter**. What percentage would you say of those whom you employed proved to be unworkable because they were still involved in criminal activities themselves?

Mr. **Chung**. The criminal activity element I think was probably around 2 percent, 2½ percent, when you talk about criminal activity.

Senator **Specter**. That's a pretty good record.

Mr. **Chung**. I think so, and I think that the public misinterpreted the facts when people were fired—everytime somebody got fired it was supposedly because of criminal activity.

Senator **Specter**. What do you mean by criminal activity?

Mr. **Chung**. Possession, drug abuse. Well, I terminated a few people for drunk driving on the job in a company vehicle.

I didn't feel that somebody who is out there trying to save lives and being a model in changing the direction of people should be out there doing those kinds of negative things on the job.

Senator **Specter**. But overall you think the system is working reasonably well?

Mr. **Chung**. I have no other choice but to believe that. Since 1977——

Senator **Specter**. You think it's better when you find that you went out and hired people who didn't have any of these experiences?

Mr. **Chung**. There's no doubt about it because the acceptance and your impact in the community comes faster. And I think that the results of the 1982 statistics show that for the first time in 5 years we see a turnaround. So, you know, I strongly feel that we——

Senator **Specter**. The 1981 statistics show that, too.

Mr. **Chung**. Not like this. Not 38 and 17 percent.

Senator **Specter**. Well, 351 in 1980 and 292 in 1981. And I've had two figures, 205 and 209 in 1982

Mr. **Chung**. In the middle of—in 1981 is where the major coordination between all the agencies began to take place. So you started to see a difference there.

Senator **Specter**. Mr. Chung, how many people have you employed in the community youth gang services of Los Angeles roughly?

Mr. **Chung**. We have approximately 120 people to cover 4,000 miles.

Senator **Specter**. Over the life of your agency's existence, how many people have you employed?

Mr. **Chung**. Probably somewhere in the neighborhood of 200.

Senator **Specter**. And how many of those have been convicted of anything while they were employed with you?

Mr. **Chung**. Three, I think.

Senator **Specter**. And how many charged with anything?

Mr. **Chung**. Five.

Senator **Specter**. Mr. Duran, what do you think the Federal Government should be doing in providing seed money through justice assistance on this program, on the problem, the problem of juvenile gangs?

Mr. **Duran**. Well, I'd have to address myself by way of a program that I am currently directing.

Senator **Specter**. Fine. Please do.

Mr. **Duran**. Mainly I need to toot the probation department's horn because nobody else seems to be doing it. All right?

And also I'd like to stay with something that I am familiar with, and that's the specialized gang supervision program.

This program has a direct tie-in with the community youth gang services project, with Operation Safe Street with the sheriff's Department, with CRASH, with Hardcore. It also has a good record in terms of credibility with the courts.

I have under my supervision 40 deputy probation officers who are carrying a caseload of a maximum of 50, all of them gang members.

Senator **Specter**. All of them have experience as gang members?

Mr. **Duran**. No, no.

All the people on probation are gang members.

Senator **Specter**. Do any of the people in your department have backgrounds as being gang members themselves?

Mr. **Duran**. There are many DPO's, but of the 40 that I've got that are working for me maybe 2 or 3 that I know of.

Senator **Specter**. Do they have convictions?

Mr. **Duran**. No, none of them have got convictions.

Senator **Specter**. Could somebody qualify for your department if they had been convicted?

Mr. **Duran**. I don't know. I don't really know as probation officers whether or not they can be hired if they have been convicted.

Senator **Specter**. Do you think it would be appropriate to hire somebody who had a conviction to be in the Probation Department?

Mr. **Duran**. Well, I used to think for a long period of time that no, that it was very necessary for the person who was going to lead the parade be somewhat clean himself.

Senator **Specter**. And now?

Mr. **Duran**. And now there are times when I have felt that there are some people out there that made a mistake early on in their life and then they did something about it, they cleaned themselves up, they got married, they bought homes, they went to college, they know a heck of a lot about what it is, you know, to hurt, and as a consequence can help people.

Senator **Specter**. Well, although my role here is to ask questions, I would venture this comment, having been in law enforcement for a long while, that there is merit in hiring people who have experience. I know that neither of you, gentlemen would hire anybody promiscuously. But simply having been involved I think is not a conclusive indicator that they are disqualified. There has to be perhaps greater care in the employment. But they have a lot of insights.

And in the work I have done as a district attorney, I have seen many people who have experiences with gangs and who had records perform very useful services and have special insights into these kinds of problems.

So as one voice for whatever value that may have in your future evaluations, I would say that it is not a permanent disqualifier.

Mr. **Duran**. That's true.

Senator **Specter**. Going back to the role that you might see for the Federal Government, Mr. Duran, providing some seed money and activities like the Probation Department or like dealing with the problem of juvenile gangs, would you have any recommendations or any suggestions?

Mr. **Duran**. Yes. I would still like to see a program like the one I'm directing continue and expand. We're up to snuff in terms of the 40 probation officers, we're carrying a maximum, that's 2,000 cases—we still have about 10,000 cases out of 60,000 caseload of people on probation. I still imagine we have about 10,000 that qualify for our gang program.

So I could see an enhancement by way of more probation officers, but also by way of more treatment tools with which to get the job done.

The other thing to is that within the Probation Department we need prevention type programs. We need after-care type programs as well, well thought out, you know, types of programs.

Programs are going to have to be done somewhere between the Probation Department and the private sector.

Senator SPECTER. Anything you care to add, Mr. Chung?

Mr. CHUNG. Yes. I think that it is very important that all the approaches that we have been addressing here be implemented.

But many of them tend to look more toward after the fact type of situations. And attention needs to be drawn toward the root causes of some of the problems.

And one of the major problems, of course, that plagues us all is economics. And I strongly urge that the Federal Government create some kind of a program to encourage private enterprise as well as Federal assistance to expand upon perhaps the Small Business Administration. This expansion could aid in developing economic development programs within the local area to give people opportunities for career mobility into the new job market.

And I think this can be done creatively through limited partnerships and what have you, and there are some avenues that can be taken with the least amount of expense to the Federal Government and maximum participation in the community.

And I would certainly request your support in those areas.

Senator SPECTER. Thank you very much, Mr. Chung. Mr. Duran, anything you'd care to add?

Mr. DURAN. No, thank you.

Senator SPECTER. Thank you very much for coming, gentlemen. I appreciate it very much.

The hearing is now adjourned.

[The following was subsequently submitted by Mr. Duran:]

THE
SPECIALIZED GANG SUPERVISION PROGRAM

"A MODEL PROGRAM WHICH USES CONDITIONS OF PROBATION AS THE BASIS FOR STRINGENT LAW ENFORCEMENT"

KENNETH E. KIRKPATRICK
Chief Probation Officer

Los Angeles County
Probation Department

Miguel Duran, Director

The following composition relates to the Specialized Gang Supervision Program which is part of the Los Angeles County Probation Department's efforts to control the incidences of youth gang violence and homicides.

INTRODUCTION

During October, 1980, Supervisor Edmund D. Edelman conducted hearings into gang violence. These hearings revealed that this violence impacts upon the entire County of Los Angeles and victimizes innocent, non-gang involved citizens.

On October 28, 1980, the Board of Supervisors in response to growing public concern, approved the development and implementation of a Probation Department Specialized Gang Supervision Program, to offer protection to the citizens of this county, to provide a more even adminstration of justice, to rehabilitate offenders and to reduce gang violence with a primary emphasis on preventing gang-related homicides. The Board also approved an expansion of the Sheriff's Operation Safe Streets Program, doubled the District Attorney's Operation Hardcore Program and established the Community Youth Gang Services Project.

The Specialized Gang Supervision lists four program objectives. They are as follows:

Program Objectives

1. Reduce the rate of homicides committed by gang members who are actively under the jurisdiction of the Probation Officer.
2. Significantly reduce the incidence of violent acts resulting from gang activities and involving persons actively on Probation.
3. Significantly improve Probation control and surveillance of gang-oriented probationers throughout the County of Los Angeles.
4. Ensure compliance with all conditions of Probation or the prompt handling of all violations and the return of these offenders to Court for appropriate disposition.

Program Design

The success of the program to date is based on the program design. There are five units. Each unit consists of one Supervising Deputy Probation Officer, eight Deputy Probation Officers and appropriate clerical and administrative support.

Each unit supervises a maximum of 400 gang-oriented offenders with an individual officer supervising no more than 50 cases. The caseloads consist of both adult and juvenile offenders as well as both male and female offenders. Age range is generally 14 to 25.

Deputy Probation Officers are expected to provide extended supervision, including evenings and weekends, when indicated by caseload activity whether positive or negative in nature.

Specifically, their duties are as follows:

Specific Duties of the Deputy Probation Officers:

1. Supervising and providing direct Probation services to 50 offenders with a history of current youth gang involvement.
2. Expeditiously handling all violations of conditions of Probation.
3. Maintaining close communication with law enforcement agencies such as courts, policing agencies, corrections, Probation, the District Attorney, and other agencies engaged in gang-control activities.
4. Maintaining close communication with schools as well as community based agencies using reciprocal resources in order to maintain close supervision over probationers and remain knowledgeable of community occurrences which may aid the DPO in carrying out his assigned tasks.
5. Become well known in the community and spend a significant portion of their working time in the field and on the street in behalf of the Program.

Since the 5 units are outstationed in stratigical areas of the County, the role of the Supervising Deputy Probation Officer is to direct the activities of the eight Deputies, making geographical and case assignments and submitting monthly data reports regarding overall Program developments. The SDPO is expected to keep in close contact with elements in the community dealing with youth gang violence suppression, such as members of Los Angeles County Sheriff's Operation Safe Streets, Los Angeles Police Department's Community Resource Against Street Hoodlums teams, Hardcore District Attorney, and Community Youth Gang Services Project. Further, they involve themselves intimately with staff handling extraordinary cases which might attract media and other agency attention. They make sure that in special cases, special incident reports are submitted to the Director.

As Director of the Program I implement, coordinate and execute the Program's goals and objectives. I am responsible for the functioning of the various components and serve as the formal channel between the Probation Department and other aspects of law enforcement, the courts, schools, Parks and Recreation, community based agencies, elected officials and concerned community groups.

I answer directly to the Executive Assistant to the Chief Probation Officer, Kenneth Kirkpatrick. He is Bill Johnson. I also pay close attention to what the DPO, who is the practical applicator has to say about Program enhancement.

Training

For selected DPO Program volunteers there is specialized training which is provided by Probation Department's training specialists on an ongoing basis. The training consists of refresher courses in the Welfare and Institutions Code and Penal Code as well as conversational Spanish, perspectives on street gangs, report writing and dynamics of groups and individual counseling and and drug abuse.

Monitoring

A small research and monitoring component is constantly compiling statistics to be used in assessing the effectiveness of the Program on a quantitative basis. An audit team researches the effectiveness of the Program on a qualitative basis.

Generic Caseload

Deputy Probation Officers carry generic caseloads, seventy percent juvenile and thirty percent adult. Offenders are referred to the Specialized Gang Supervision Program by various sources, i.e. Probation, Police, Schools, parents and Courts to the Supervising Deputy Probation Officer of the appropriate Gang Unit, who screens the case for suitability.

Funding Source

The Specialized Gang Supervision Program is funded in part by County Probation dollars and augmented by SB 90 money. Estimated total is $2.3 million.

Programming

Collateral programming with caseload youth such as leadership and responsibility workshops as well as involvement with community based agencies are becoming part of the units' priorities. Since funding is not available, the community at large is asked for support. These programs are set up to aid in the rehabilitative process for probationers who indicate a willingness to be aided in turning their life around.

Tid Bits

There are over 60,000 people on Probation in the County of Los Angeles.

Of that number, we estimate that 15,000 have some type of gang affiliation. Of those 15,000, 10,000 should be on our caseload.

Since we do not have the capacity by way of man power to do a quality job we limit ourselves to 2,000 hardcore cases.

Ours is a law and order posture. We have been called punitive. But the fact is that we are attempting to make the probationer live up to the conditions of Probation. The initial contact is used to clarify to the probationer what those conditions are, what his responsibilities are and the role that the DPO plays as a law enforcement officer.

We use a 777A petition in order to detain for short periods of time if we feel a person can benefit from short term incarceration. If after repeated violations the probationer cannot function in the community he or she is brought before the judge with a recommendation for a change of plan.

Looking over our records for 1982 I found that our five units which encompass most of Los Angeles County took out over 700 people. These are called negative terminations. But we feel that they are positive terminations because the people are, at least for the time being, no longer in a position to kill or be killed in the name of what the gang considers to be a "holy war".

Further it is our contention and it is backed up by Police and the District Attorney that if we get tough for the so called insignificant violations we just might not have to worry about significant violations such as murder, mayhem etc.

Because the incidence of gang violence in the Asian community is growing we have assigned one DPO to specialize and handle a caseload comprised of Asians. Most of these probationers are foreign-born with criminal roots in their home country. Our DPO has teamed up with Police agencies who specialize in Asian incidences of crime.

Los Angeles County at last count had listed 400 gangs. These gangs are concentrated in 70 of the 81 incorporated cities as well as unincorporated county area.

We are attempting to service these areas in total but I am afraid we are falling short. To date I am concentrating our work force in smaller geographic areas in order to maximize surveillance of these gangs. My officers go on ride-alongs with Sheriff Operation Safe Streets personnel, L.A.P.D. Crash units and other policing agencies with gang squad details.

Still of the 400 gangs we are impacting on only about 150.

In conclusion I would like to state that the Edelman Plan of which the Specialized Gang Supervision Program is one component is a success.

In order for the Specialized Gang Supervision Program to continue to be effective we must be allowed to continue to deal with the basic premise, that of reducing and ultimately stamping out youth gang murders.

The Program at age 2 has earned its wings. It should grow in manpower to the point where it can handle 10,000 gang members on Probation as well as to turn the coin and work concurrently on rehabilitative programs with the help of community based agencies.

Thank you.

GANG VIOLENCE AND CONTROL

WEDNESDAY, FEBRUARY 9, 1983

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
San Francisco, Calif.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 13029, 450 Golden Gate Avenue, San Francisco, Calif., Hon. Arlen Specter (chairman of the subcommittee) presiding.

Also present: Kevin S. Mills, counsel.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. SPECTER. Good morning, ladies and gentlemen. I'm Arlen Specter, chairman of the Subcommittee on Juvenile Justice of the U.S. Senate Committee on the Judiciary. The purpose of these hearings today is to inquire into the issue of juvenile gang problems in the San Francisco area. In the Congress we are looking for the enactment of a Justice Assistance Act, which would be a carry-on of the old Law Enforcement Assistance Administration, but on a more reduced and targeted scale.

Needless to say, the Federal budget is very limited today. But we have secured agreement with the White House late last year to have a Justice Assistance Act with the target figure of $90 million. That is a long way from the old Law Enforcement Assistance Administration which in its heyday had a total budget in the range of $750 million and more. But the objective now is to find out which programs work best under the old LEAA, which others might work well, and to direct our attention to those items.

The Justice Assistance Act was passed by Congress in the concluding days of the 97th Congress, but it was part of a seven-bill package which the President vetoed on January 14 of this year, just about a month ago, because he was dissatisfied with one of the bills involving a drug coordinator which he thought would be an unwieldly level of bureaucracy. So we do have an excellent likelihood of passing the Justice Assistance Act this year, and I've already introduced legislation on the subject, since it comes under the jurisdiction of my Subcommittee on Juvenile Justice, S. 53.

Part of the purpose of these hearings is to get recommendations from local officials as to what the Federal Government can do in a directed way, realizing that the funds are limited. We had hearings earlier this week in Los Angeles where they have had an enormous gang problem, perhaps the worst in the country, with some 351 homicides in the year 1980. Through a Law Enforcement Assistance Administration grant and a coordinated program, they have reduced the gang killings there very materially.

This is an overview of where we're heading. And we very much appreciate the presence of a member of San Francisco public officials. We expect District Attorney Arlo Smith to be with us. We appreciate the presence of Mr. Ronald Hayes, chief of the Field Services Division of the California Youth Authority, and the presence of Mr. William Stapleton, director of the Center for the Assessment of the Juvenile Justice System, American Justice Institute.

I'd like to call at this time our first witness, Inspector John McKenna of the Special Gang Unit of the San Francisco Police Department. Welcome, Inspector McKenna.

Mr. McKenna. Thank you.

Mr. Specter. I appreciate your being here and look forward to your testimony. You may proceed.

Mr. McKenna. OK.

Mr. Specter. Any written statement which you have, Inspector McKenna, may be made part of the record, and you may proceed, as you choose, to present that or summarize it as you wish.

Mr. McKenna. Thank you very much, Senator.

STATEMENT OF INSPECTOR JOHN McKENNA, SPECIAL GANG UNIT, SAN FRANSISCO POLICE DEPARTMENT

Mr. McKenna. What I've chosen to do is prepare a written document here trying to give an overview of the problem as we see it in San Francisco. And I gather I can just go ahead and read this to the record.

Mr. Specter. That would be fine.

Mr. McKenna. OK. San Francisco, Calif., is a peninsular-shaped city of close to 700,000 occupants. It has often been referred to as the Golden City, the Pacific Basin, Gateway to the Orient. These statements epitomize the fact that the gang structure in this area is unique in that the major gang problems evolve around and within our Asian community.

From 1964 to present, the Asian population has grown dramatically until at present it is closes to 25 percent. These people from China, primarily Cantonese speaking, are the largest single group followed by Filipino, Japanese, and Korean groups. Within the last several years, there has been a large influx of refugees from Southeast Asia and Cuba.

As a result of this, some of these subjects already had delved in criminal activity in their country of origin. Coming into a strange environment, they gravitated to areas most consistent with their native culture. Many of these people entered into a gang life, preying on their own with illicit acts of extortion, burglary, robbery, and assaults. They formed at first a loose amalgamation of groups all vying for the control of the community. The main purpose of these groups was to establish their power and the seeking of prestige within their peer group. With their power and prestige established, then the profit is obtainable. Roving bands began to be observed eating in restaurants, going to the theater and nightclubs, where they failed to pay relying on the cultural code of silence from the victim.

As a result of these transgressions, a vying for power and leadership emerged; and, for a period of several years, we suffered many assaults. Close to 50 gang-related homicides culminated in the Golden Dragon massacres of September 4, 1977, wherein a segment of one gang seeking revenge for a prior incident against a rival gang leader burst into the restaurant and in a hail of gunfire killed 5 innocent people and severely wounded 11. None of the victims had any knowledge of gang activity. The intended victims, all of whom escaped unscathed, were members of two separate gangs.

This then was the catalyst that established, with the police department, the gang task force comprised of investigators and patrol personnel who had knowledge and expertise working in the Asian community along with the knowledge of the customs, language, and the ability to generate information of an intelligence nature. Understanding the history of the community, the differences that separate tongs, family and village associations, all are paramount in establishing a trustful relationship and a mutual desire between the police and the community to join in an effort to control these illicit activities. All of these abilities, coupled with the desire to firmly and honorably investigate and prosecute violators, are essential in abating this problem.

The area of responsibility of the gang task force is identifying the structure of gangs involving the Chinese, Filipino, Latin, and Japanese communities. More recently, problems have arisen with the Cuban gang types that have settled here. In order to do this, a central repository of information is essential: A knowledge of customs, area of abode, individual backgrounds, autos owned and used, weapon purchases, graffiti used, associates, schools attended, and, finally, a good liaison with other governmental agencies interested in the problem. Liaison with schools, other police departments, State and Federal law enforcement agencies is essential.

These gangs do travel. They have established themselves in other parts of the country. Jurisdictionally, police departments have limitations in monitoring their travel, and liaison with other departments—city, State, and Federal—is an asset in monitoring such travel. This is successful only if such agencies are aware of the problems and have officers delegated to this task.

All gangs are detrimental to a lawful society. They prey on their own; they establish turf control, challenging any other subjects who move in. Economically, they can devastate an area, frightening business away.

Their age should never be considered in the investigation. Agencies should always be aware that today's juvenile gang member is tomorrow's adult gang leader.

Thank you, sir.

Mr. SPECTER. Thank you very much, Inspector McKenna. What statistical base do you have for measuring gang violence in the San Francisco area? Do you have, perhaps, homicide figures or other figures attributable to gang activity?

Mr. McKENNA. In the community that we work with, it's hard to keep statistics. There are a goodly amount of problems of a police nature out there that are unreported. To say that a certain amount of figures is the absolute truth as to the amount of the assaults that have occurred is probably a fallacy to deal with.

Mr. SPECTER. Do you not keep statistics on gang-related activities?

Mr. McKENNA. Yes, we do. From 1964 to 1977, we had 50 gang-related homicides.

Mr. SPECTER. From 1964 to——

Mr. McKENNA. To 1977.

Mr. SPECTER. Fifty gang-related homicides?

Mr. McKENNA. Right. At that time or during that period of time, we had units within the police department working on these problems, on these homicides. We had a great deal of difficulty solving these homicides. No. 1, the community that we dealt with was quite fearful of the problems that were arising, and there was difficulty with the codes of culture and so on, making it hard to deal with this problem.

When our unit was formed, we had officers that had worked within that community and had knowledge of these and were able to go out into the community to get the assistance of the people. The Golden Dragon Homicides, where these people were all innocent victims——

Mr. SPECTER. That's where the five innocent victims were murdered?

Mr. McKENNA. Yes, sir, and 11 were critically injured.

Mr. SPECTER. From violence between two gangs?

Mr. McKENNA. Right.

Mr. SPECTER. Is that number of 5 included with your statistic of 50?

Mr. McKENNA. No. That's a separate statistic. At that time our unit was formed specifically to solve that problem and to delve into the gang situation that existed at that time, that erupted in the Chinese community.

Mr. SPECTER. Do you have the statistics since 1977 on gang-related homicides?

Mr. McKENNA. Yes. We've had seven.

Mr. SPECTER. Seven since 1977? Well, Inspector, assuming the accuracy of those statistics, you're in pretty good shape in comparison with other communities.

Mr. McKENNA. That is true within that community. But we do have a number of assaults that are constantly occurring. What we do have occurring is a vying for power and the prestige which leads to the monetary—robbery, burglary.

Mr. SPECTER. Sticking with the statistics for a minute, how do you compile those figures? Your figures are very, very low.

Mr. McKENNA. Yes. We maintain it in our own office ourselves as we handle those matters that come up within that group or the gangs. So we maintain those statistics in our office.

Mr. SPECTER. How many gangs are there in the San Francisco area?

Mr. McKENNA. Presently, within the Asian community, there are four major gangs. There's a Wah Ching, meaning "Youth of China"; the Kit Jai, the "Young Kids." We have the remnants of the Chung Ching Yee, who were responsible for the Golden Dragon homicides. That means loyalty, faithfulness, and righteousness. We have several groups of young people related to the tongs, allegedly youth groups, involved in criminal problems in the community.

Mr. SPECTER. You started off saying that San Francisco had a population of 700,000.

Mr. McKENNA. Close to 700,000 population.

Mr. SPECTER. What is the population of the greater metropolitan area here?

Mr. McKENNA. I have no idea on the greater metropolitan area. But I would suspect—but, within a given workday in San Francisco, we are well over 1 million people.

Mr. SPECTER. So the 700,000 figure excludes Oakland or surrounding communities?

Mr. McKENNA. Yes, it does because——

Mr. SPECTER. Even though they're immediately outside the boundaries of San Francisco?

Mr. McKENNA. Yes, sir.

Mr. SPECTER. We were in Los Angeles and, of course, the geographic boundaries of Los Angeles are absolutely enormous——

Mr. McKENNA. Yes, they are.

Mr. SPECTER [continuing]. With 7½ million people. San Diego is now reputed to be the second biggest city in California. But, compared to San Francisco, I wonder if that isn't explained in terms of the way they delimit the San Francisco population, excluding the metropolitan area, as opposed to San Diego which includes a much larger geographic base or, perhaps, includes the entire metropolitan area.

Mr. McKENNA. That's probably correct.

Mr. SPECTER. What kind of gang problems exist in the balance of the area, to the extent that you know—in Oakland, for example?

Mr. McKENNA. In Oakland, they have probably more of, perhaps, the black gangs, some Latino gangs. They have a—we do know that some of our Asian gangs go into their Asian community over there. They do not have so many in Oakland, but in communities surrounding Oakland, there is a Filipino gang problem because these people are coming to us for assistance and identifying the membership.

Mr. SPECTER. Do those gangs move into the San Francisco area?

Mr. McKENNA. We have a Filipino gang group here, also. Their type of activity is not much of the cautious laying-in-wait crimes of assault. It's spontaneous. They have issues over boyfriends-girlfriends type of situations, words that offend another person, and they lash out rather rapidly. We don't find that in the Asian gangs, the Chinese gangs. Revenge can wait. It can be had at a later date at an appropriate time to do it. The Filipino groups are very spontaneous, but we do have problems within that community.

Mr. SPECTER. You're suggesting that the Asian gangs engage in more careful planning and wait——

Mr. McKENNA. Yes, they do.

Mr. SPECTER [continuing]. Until there's a opportune time?

Mr. McKENNA. Many of the earlier homicides I mentioned were in revenge for incidents that had occurred maybe even up to 1 year or several years before.

Mr. SPECTER. Can you give me an example of that?

Mr. McKENNA. The Golden Dragon is probably the best example of that. Here, a group of people from the Chung Ching Yee—a cell of the Chung Ching Yee group—came into a restaurant attempting to kill a leader of the Wah Ching and another group, called, at that time, the Hop Sing Tong boys. Prior to that date of September 4, 1977, on July 4, 1977, the Wah Ching were in control of the fireworks' sale in Chinatown, which is economical very profitable to them.

We have people coming from other communities, coming to San Francisco to buy their fireworks, and they go home and set fires to their communities with the fireworks. But it brings a lot of revenue for the Wah Ching in Chinatown.

At that time, a group of Chung Ching Yee came into our Chinatown to attempt to take the moneys from the profits from the group known as the Wah Ching. What they did is, they lost in five separate gun battles that occurred that evening—one of their leaders was killed. They assumed that the responsible party for this matter was the chap who was in the Golden Dragon on the night of the massacre. They came down there to seek the revenge 4 months later. They had lain in wait trying to track where this person's activities would lead him to. They had a subject out in the field that was constantly circulating among the restaurants and nightclubs in Chinatown. He found him that night to be at the Golden Dragon. They came into the community in two vehicles, burst into the restaurant in a hail of gunfire. They didn't get their intended victim. He lived to commit another murder at a later time of a young runaway girl from Hawaii. He was convicted of that murder.

Mr. SPECTER. How fast does the juvenile court try and conclude these cases?

Mr. McKENNA. Well, we do have great cooperation in that juvenile court. There's been a great attempt to help juveniles. However, the volume of business is such that sometimes we feel that it could be expedited. However, budgetary restraints and the amount of personnel they have all lead to what we think is an occasional delay in the finality of the case.

Mr. SPECTER. How many juvenile court judges are there?

Mr. McKENNA. There is one judge, several referees.

Mr. SPECTER. Just one juvenile court judge?

Mr. McKENNA. One superior court judge, and there are referees that hear minor matters.

Mr. SPECTER. Do you know how many referees there are?

Mr. McKENNA. No, I don't. I'm not in the juvenile system.

Mr. SPECTER. Do you have any familiarity with the sentences or dispositions on these juvenile cases?

Mr. McKENNA. Yes, I have a basic familiarity of those people that we deal with when they're sentenced. We feel that the courts are slowly but surely becoming more aware of the proclivities of violence in some of those——

Mr. SPECTER. Up to now what is a typical sentence in a juvenile homicide case?

Mr. McKENNA. I think that's set within a framework—there are probably people here that could better address that.

Mr. SPECTER. What is your understanding of it?

Mr. McKENNA. Well, the fellows that we see—they end up no later than 23 usually staying in the system, and they're out again. We've seen them come out earlier.

Mr. **Specter.** Do you think these sentences are adequate?

Mr. **McKenna.** The situation as I see it is that there were many of these people that should be tried as adults. There were others that perhaps should remain in the juvenile system even though the homicide is a bad homicide.

Mr. **Specter.** How would you recommend making that distinction?

Mr. **McKenna.** It's very difficult. The thing I think we need is a good repository of information on the individual, his proclivities for violence, his length of time in the gang, what other activities of a criminal nature he's been involved in, what is his potential likelihood to be an explosive personality and to reinjure other people.

There are young people involved in crimes that we are absolutely sure will never be rehabilitated. They have a problem——

Mr. **Specter.** What indicators are there for you to reach that kind of a conclusion that they will not be rehabilitated?

Mr. **McKenna.** A series of repetitive assaults that could easily have led to a homicide, except for the intervention of a third party, the arrival of police, witnesses, and so on. We have subjects in our file that are constantly involved in acts of violence. It seems to me those people have been in and out of this system constantly, and there is no sense in trying to rehabilitate them.

Mr. **Specter.** What would be your recommendation as to what to do with somebody who fits into that category where rehabilitation is not realistic?

Mr. **McKenna.** They should be put into a system and kept there until there is no doubt in somebody's mind that there—they have a chance to succeed. However, to be very honest with you, I don't know that the penitentiary system today is prepared to handle that type of person.

Mr. **Specter.** Well, are you suggesting that that determination be made in juvenile cases so that there are the equivalent of life sentences for somebody from the juvenile system?

Mr. **McKenna.** In certain cases, yes; not in all cases, by any means. There are certain individuals out there, whatever their age is, and they have a series of conduct that is just absolutely reprehensible, and this is in acts of violence. There are a lot of young people out there that we've had successful dealings with, that we've seen them commit transgressions and assaults, but we have seen them mature. There are other young people that their maturity is only into becoming an adult gang leader. They're the type of people that I really feel should be addressed. I don't feel that it can be done at a juvenile level. But, certainly, when they reach adulthood and have had transgressions as juveniles, they have to learn as an adult to try to make a meaningful life for themselves. They become a planner rather than a perpetrator. Those are the types of people that are very, very dangerous not only to society, but to other people whose fork in the road in life may be by the good intentions of one or the bad intentions of another.

Mr. **Specter.** What rehabilitation facilities are available to juveniles? I know this is outside your specific scope. We have somebody from the California Youth Authority. But to your knowledge——

Mr. **McKenna.** On the local level we have a probation department that's attempting to address the issue of the background of the individual to try and channel them into a productive rehabilitation rather than just simply an incarceration. I don't want to belabor this. They are working into special intensive care units of individuals who know a lot about their background to see if something can be done. Evidently, there is a goodly amount of facilities at the local level to channel people into. We have certain community groups that try to be helpful. If it works, I don't really know because we seem to get so many of these young people into criminal activities.

On the State level, certainly in the California Youth Authority, I think that in the facilities that they have they try their darndest to work with the kids, but this is an increasing problem. These young people—there's more and more of them all the time. And whether they have the facilities and the time to work with the problem is really difficult to assess. But we try to maintain good liaison with them. They let us know when they're coming out. We try to let them know what gangs they belong to so they can be separated from other gangs.

Mr. SPECTER. When we talk about being tough with these juveniles who have repetitive criminal histories and talk essentially about a permanent incarceration, it brings to mind legislation which I've proposed in the Senate and which also passed last year on the habitual criminal statute dealing with adult offenders, those who have been convicted of two or more robberies or burglaries and are charged with a subsequent burglary or robbery with the use of a firearm. There's a provision under legislation introduced last year, S. 1688 and reintroduced as S. 52 this year, which would give Federal courts jurisdiction to try those cases with the acquiescence of the local district attorney and would provide for a mandatory minimum of 15 years in jail. We had looked for a life sentence, but compromised on 15 years.

It is patterned after the habitual offender statutes which are present in some 44 of the 50 States, which call for a life sentence for somebody who has committed three major felonies or, in some States, four major felonies. Do you have an opinion as to the desirability of such treatment of habitual career criminals on the adult level?

Mr. McKENNA. Well, that's difficult to answer right now, Senator. The only thing I would say is it seems to me if a person has had four convictions as a major offender on a felony level he certainly should be considered a career criminal whether it fits the juvenile status or the adult status. I would hesitate to say a 14- or 15-year-old subject who may be led by an adult or an older in any gang all of a sudden should be the person to suffer the 15-year sentence.

Mr. SPECTER. You say juvenile or an adult?

Mr. McKENNA. Well, you see, I—I think that many of these young people that we deal with—and I have firm opinions on this—are directed by elders in the gang. We have a situation unique in our gang structure in that we find there's a lot of elders, and I'm talking anyplace from 17, 18, 19, and maybe into the 20's.

Mr. SPECTER. What is the maximum age which you customarily see involved in this kind of gang activity?

Mr. McKENNA. Everything from 14 into the early 30's. These are the people I would feel are the ones that law enforcement agencies should concentrate on.

Mr. SPECTER. When you were testifying about juveniles earlier, you said those with the repetitive career criminal tendencies ought to be separated permanently, or you used language similar to that.

Mr. MCKENNA. Right. We don't see that in the real young because they're just starting out. We do see in the 17-, 18-, 19-year-old bracket——

Mr. SPECTER. That's why I asked you——

Mr. MCKENNA. They've gained this ability because at an earlier age they've been part of the group, part of the gang. They've been directed. Essentially, my assault would be on the leader, the director of the gang, the ones who are calling the shots, so to speak.

Mr. SPECTER. When you talk about that long sentence for the juvenile offenders in the 17-year-old category, then I would assume you would be in favor of such treatment for the career criminal in the adult category. Certainly, it's going to be a lot harder to bring that kind of lengthy incarceration into the juvenile picture where the trend has been to treat juveniles as really being in a different status. So you would be tough with young people. You would be a lot tougher with the older people.

Mr. MCKENNA. I have to go back to the criteria—it has to be where the person fits into the gang structure. That's why, once again, we need a good repository of information, everything possible known about them, his prior offenses both as a juvenile and adult, what position he has in the gang structure, is he actively recruiting people into the gang structure, does he show propensities for violence himself or has he directed his propensity to violence onto others. This is the type of person that I feel if we can address, if we can attack, if we can remove him, then we can have a better chance of rehabilitation of the younger offender who may be imitating his life style.

Mr. SPECTER. Let me see if I can imagine the picture you have here. I know San Francisco, you described, as 700,000.

Mr. MCKENNA. Yes.

Mr. SPECTER. Oakland is across the bay. Does the San Jose juvenile problem affect law enforcement in San Francisco?

Mr. MCKENNA. Yes, to a certain degree. In San Jose, of course, the Latino gangs are dominant.

Mr. SPECTER. What other cities are in the metropolitan area?

Mr. MCKENNA. San Jose is one. You have San Francisco; you have Oakland; you have cities like Fremont, Union City with the Filipino gang problem. You have to a lesser degree San Leandro, San Pablo that seem to have——

Mr. SPECTER. What is the approximate radius of the metropolitan area which would impact on juvenile gang violence within the San Francisco area?

Mr. MCKENNA. We are talking probably about a 50- to 75-mile radius.

Mr. SPECTER. Have there been any Federal assistance programs from the Law Enforcement Assistance Administration or otherwise for San Francisco?

Mr. MCKENNA. Yes, to a certain degree. We have been working with Federal agencies regarding the older group leaders or gang leaders who travel to cities such as New York; Houston, Tex., Seattle, Vancouver, Toronto, and out of the country involved in a more organized structure of criminal activity.

Mr. SPECTER. Have you received Federal funding at all?

Mr. McKENNA. No, not that I know of. I believe a year or so ago Mr. Smith, the district attorney here, attempted to get a funding for a juvenile gang attorney, and I don't think we were successful in that.

Mr. SPECTER. What assistance would you like, if any, from the Federal Government?

Mr. McKENNA. Well, I think to—I'm sure Mr. Smith, the district attorney, will address the problem. But I feel he's absolutely right in asking for funds in trying to establish a gang unit within the prosecutorial arm of law enforcement, namely, the district attorney's office. It is very difficult to go to trial with some of these young people unless the attorney, the prosecuting attorney, has a historical perspective of how these groups work, where they came from, the country of origin, what dialect they speak, what gang they're with, who they show up with as witnesses for them, and why, certainly, they may not be telling the truth. There are abundant reasons why these people have to be specialists in their own right.

The gangs are far different from the isolated instances of assault. The gangs are not monolithic, but they have cells. There may be cells within the gang that will be going off on their own forays, yet not reporting in to other cells. This is the code of silence type of thing. They'll join together when another gang is prepared to assault them. This is a time they become a large gang.

Mr. SPECTER. Inspector, thank you very much. Is there anything you would care to add at this time?

Mr. McKENNA. No. I thank you very much.

Mr. SPECTER. I very much appreciate your being here with us.

Welcome, Mr. Hayes. I note that you have somebody with you. Would you identify yourself for the record, please, sir.

STATEMENT OF RONALD HAYES, CHIEF, FIELD SERVICES DIVISION, CALIFORNIA YOUTH AUTHORITY, ACCOMPANIED BY ESTEBAN P. CASTANEDA, A PAROLE AGENT WITH THE YOUTH AUTHORITY

Mr. HAYES. Mr. Chairman, members of the committee, my name is Ronald W. Hayes. I am the chief of the Division of Field Services in the Prevention and Community Corrections branch of the California Department of the Youth Authority. I supervise the department's law enforcement communications team which has responsibility for identifying and tracking youth authority wards who have gang associations or affiliations. With me today is Esteban P. Castaneda, parole agent II, a member of the LECT unit and one of the youth authority's gang experts. Following my presentation, Mr. Castaneda will be available to answer any technical questions the committee may have.

The Department of the Youth Authority currently has a total of 13,056 wards under its jurisdiction, 5,815 in 16 institutions and camps and 7,241 on parole in communities throughout the State. Commitments to the youth authority may be from both juvenile and criminal courts. Age of jurisdiction can range from 8 to 24 years. Currently, approximately 58 percent of the ward population are juvenile court commitments, and 42 percent are criminal court commitments. Four percent of the ward population is female. Although we do have a few 11-, 12-, and 13-year-olds, the average ward age is 18.8 years. Average length of stay in institutions is 14.6 months and 18.3 months on parole.

In December 1982, institution population consisted of 73 percent minorities, with 40 percent being black, 31 percent Spanish speaking, and the balance from other ethnic groups such as Asian, Native American, Filipino, et cetera. The proportion of whites in youth authority institutions has decreased from a high of 40 percent in 1973 to 27 percent in 1982.

It is difficult today to find a community that does not have a youth gang problem to one extent or the other. A substantial number of wards who come into our system are already involved in and are sophisticated in the ways of street gangs. This number is steadily increasing. In 1979, approximately 40 to 45 percent of youth authority wards were identified with gangs. Currently, approximately 70 to 80 percent of all youth authority wards can be identified as members of or affiliated with a gang or have been involved in some type of gang-related activity.

While white gangs are represented in the youth authority, gang members tend to be minority members, particularly brown and black. Generally, they are dropouts from school, jobless, from single-parent homes in low economic neighborhoods, and are alcohol and drug abusers. They have basically nothing going for them except the respect and steam they get from their fellow gang members. They will fight, kill, and be killed for their personal reputation and the reputation of their neighborhood gang or barrio.

The youth authority's population is only a reflection of society's gang population. We now have second- and third-generation gang members in our institutions, as well as on the streets. A connection has been established between some street gang members within the youth authority and major prison gangs. We know that prison gangs do recruit street gang members that have proven themselves on the street. Some of the youth authority street gang problems have found their way into the California Department of Corrections as the alliances and rivalries continue on up the line.

Gangs present problems in youth authority institutions, including security and safety for both staff and wards. Therefore, with the percentage of gang-involved population steadily increasing, it becomes obvious that early identification of individual gang affiliation, as well as gang trends and individual and gang group rivalries, is vital.

In 1977, the youth authority established a special unit known as the law enforcement communications team, for LECT, to act as a central depository for gang information. The major purpose of this unit is to identify and track youth authority wards with gang affiliations and gang-related activities from the date of commitment to a youth authority institution through parole and to share this knowledge both internally and externally with law enforcement and other components of the criminal justice system who have similar needs and interests.

Designated gang information coordinators at each of the youth authority's 16 institutions and camps and four parole regions attempt to identify gang affiliations and gang-related activities of all wards in their institutions or parole area.

The sooner gang-related information can be obtained and shared with appropriate staff, the better. Therefore, gang coordinators at the youth authority's reception centers play an especially crucial role. At the time of first admission to the youth authority, even the more sophisticated gang members are apprehensive of what is going to happen to them and are generally willing to relate information they think may protect them down the road. We have found that immediately after admission is the best time to elicit information which wards may later be reluctant to share with staff.

Information related to wards' gang involvement may be obtained from numerous sources including tatoos, ward's self-admission of membership and/or rivals and problems, pictures of ward with other gang members, documents containing gang information and gang writing, police and probation reports, witnesses to gang-related offenses.

This information is then shared with and used by youth authority staff in determining program, institution, and dorm assignments in order to separate members from rival gangs and to make necessary decisions to manage institutional programs more effectively.

In order to internally share relevant gang information, the LECT staff work closely with the gang information coordinators and also meet monthly with them as a group. In addition to verbally sharing gang-related information at the meetings, the coordinators submit reports that are compiled and disseminated to various locations throughout the department. These reports contain information regarding new commitments, transfers, and discharges of gang-related wards, as well as information on new gangs, current individual and group gang rivalries, and current trends and gang characteristics that have been observed.

Coordinators also prepare a gang affiliation file on each identified ward. This file contains information on the ward's monikers, nicknames, gang name, whether the gang identifies north, south, blood, crips, et cetera, and whether the ward is a leader, aggressor, or victim. There is also a form for a chronological log of all gang-related incidents obtained. When a ward is transferred or paroled, this file is forwarded to the gang information coordinator and the ward's new location. A copy of this information is also maintained in the LECT headquarters office. Procedures have now been established to computerize this gang information and distribute monthly confidential printouts to the gang coordinators.

The LECT unit also initiated a procedure for including wards' monikers or nicknames in the youth authority's computerized ward data files. The trend is for gang members to identify others in the gang scene by their monikers. Many times that is the only identification known.

The department currently has approximately 2,000 of these nicknames in the system. It is now possible, for example, to obtain the name and location of all wards in the system with the nickname of "Boxer" or "Mad Dog." By the process of elimination by age, location et cetera, the specific individual may be identified.

LECT unit staff attend approximately 15 various statewide, regional, and local gang intelligence meetings held throughout the State. Approximately 200 law enforcement and correctional agencies are represented at these meetings. Trends and changes in gang cultures, characteristics and identification, activities, leadership rivalries, and significant incidents in institutions and on the streets are noted and discussed at these meetings. Relevant information is then shared with appropriate staff and/or agencies.

Ongoing telephone contact is also maintained with these and other correctional agencies in order to disseminate and receive information relevant to significant gang-related individuals and activities throughout the State. Recently, this exchange of gang-related information has also extended to several correctional agencies outside the State of California.

In addition, the youth authority has a procedure for notifying local law enforcement agencies when a youth authority ward is to be paroled in their area. If the parolee has a gang identity or has been involved in gang-related activities, that information is conveyed to the local law enforcement agency, including gang name, identification of rival gangs, witnesses, victims or other significant individuals, and any other pertinent information.

Although we have a significant number of gang members in our institutions, only a few of the hardcore gang members continue their negative gang activities within our institutions. With our system for gathering and sharing relevant gang information, institutional staff can focus on heavy gang members and thereby prevent major gang-related incidents from happening.

The Youth Authority experienced one gang-related incident in 1978 involving the death of two wards. There have been no gang-related deaths in Youth Authority institutions since that time.

Major gang-related incidents, such as the one in 1978, can be and are prevented by the expedient sharing of gang-related incidents in our communities by law enforcement gang units with our institution gang coordinators. For example, last month in the southern California community of Wilmington, gang members from the South Los gang attended a baptismal party. A confrontation occurred, and the South Los gang members were asked to leave. They left, but waited outside. When the party broke up, the South Los gang members opened fire on departing guests, killing one and seriously injuring several others. The gang members then drove their vehicles over the victims. It is immaterial whether any of the victims were gang related. The fact is that the gang members from Wilmington, Wilmas, will more than likely retaliate against the South Los gang.

In order to prevent immediate retaliation in our institutions between those two gangs, the following precautionary steps were taken: The previously identified more sophisticated members of both potentially rival groups were locked down; staff will talk to wards in both groups to determine what their stance is in relation to the incident in Wilmington; mediation will be directed to defuse any potential retaliation within the institution.

I wish to make it clear that gang-related activity is unacceptable behavior in Youth Authority institutions. In addition to mediation, institutional staff also use direct confrontation to deal with gang problems. Gang members are not allowed to display gang identities by using gang colors or flashing hand signs. Gang behavior is reported on disciplinary reports, and, upon a true finding, wards may receive added time in the program and/or a change to a more restrictive program which may include transfer to a more restrictive institution and more time in the Youth Authority.

Another responsibility of the LECT unit it to provide training on gangs, their identification, culture, characteristics, and activities. The unit, with Mr. Castaneda as the primary trainer, provides ongoing training to all gang information coordinators; prevention and community corrections branch administrative staff; all new Youth Authority institutions and parole staff; local probation, juvenile institutions, and law enforcement administrators and staff; California Department of Justice Training for Law Enforcement Personnel, annually.

Upon request, gang training has also been provided to school board members, school district administrators, and members of boards of supervisors, as well as other local officials.

During 1982, a total of 57 training sessions were conducted for approximately 2,000 participants. An additional 10 to 12 requests for training are received each month, but due to insufficient staff resources, we are unable to fill these requests for training at this time.

The gang information coordinators are doing a commendable job in gathering and sharing relevant information. However, due to fiscal constraints at this time, their gang-related duties are not their primary assignments, and, as a result, they are unable to spend full time in this area. This, as well as the lack of training resources, impacts the full potential of the LECT program.

A copy of the following documents published by the Law Enforcement Communications Team are being submitted to the committee for reference: "Prison Gang Influences on Street Gangs," dated February 1981; "White Youth Gangs," dated April 1981; "Jacarandina (Gang Slang)," dated October 1981; "Guide for Identifying Youth Gang Graffiti or Tatoos," dated April 1981.

An additional source of information on gangs in California is the attorney general's youth gang task force "Report on Youth Gang Violence in California," date June 1981.

This concludes the department's formal testimony. We appreciate the opportunity to explain our program and operations to you and offer our future assistance if we can be of service.

Mr. SPECTER. Mr. Hayes, who is it that you have with you?

Mr. HAYES. The gentleman I have with me is Mr. Esteban P. Castaneda. He's a parole agent with the Youth Authority, a member of the Law Enforcement Communication Team and one of the department's experts on gangs.

Mr. SPECTER. Welcome, gentlemen. We very much appreciate your being here.

Mr. HAYES. Thank you.

Mr. SPECTER. You may proceed, Mr. Hayes.

Mr. **Hayes**. I'd like to start out by giving a very brief overview of the department of the Youth Authority. At the current time, we have 13,056 wards under our jurisdiction, 5,815 in 16 institutions and camps and 7,241 on parole in communities throughout the State.

Mr. **Specter**. Would you repeat those statistics?

Mr. **Hayes**. We have 13,056 wards totally under our jurisdiction.

Mr. **Specter**. By "wards," you mean juveniles?

Mr. **Hayes**. Juveniles and adults. We receive commitments from both the juvenile court and the adult court.

Mr. **Specter**. Are you speaking about the California Youth Authority?

Mr. **Hayes**. Yes.

Mr. **Specter**. Why do you receive commitments of adults?

Mr. **Hayes**. The statutes provide that persons under the age of 21 who commit a crime may be committed to the department of Youth Authority from the superior court if the crime was committed before the 21st birthday.

Mr. **Specter**. When you say "adults," you mean people 18 to 21?

Mr. **Hayes**. Yes, yes.

Mr. **Specter**. The California Youth Authority has jurisdiction for incarceration of anyone under 21?

Mr. **Hayes**. Yes, at the discretion of the court.

Mr. **Specter**. All right. And if they're 18, 19, or 20, they could be sentenced to an adult prison?

Mr. **Hayes**. They could, yes.

Mr. **Specter**. Meaning people under 21?

Mr. **Hayes**. Yes.

Mr. **Specter**. Would you proceed.

Mr. **Hayes**. Then of that number we have 5,815 in 16 institutions and camps, 7,241 on parole in communities throughout the State. As I previously stated, commitments to the youth authority may be from both the juvenile and adult court. Age of jurisdiction can range from 8 to 24 years.

Mr. **Specter**. Now you've just put the jurisdiction up to 24. That's because once they have been committed——

Mr. **Hayes**. The age of commitment—they must have committed the crime up to the 21st birthday.

Mr. **Specter**. And they can be retained in the youth authority till they're 23?

Mr. **Hayes**. On juvenile commitments jurisdiction expires on their 21st birthday. If they were committed to us from the juvenile court, jurisdiction expires on their 21st birthday. If they were committed to us from the superior court and it's for a misdemeanor or for a second-degree crime of some sort, jurisdiction can extend to their 23d birthday. If it's a felony, it's up to their 25th birthday.

Mr. **Specter**. OK.

Mr. **Hayes**. Currently, approximately 58 percent of the ward population are juvenile court commitments, and 42 percent are criminal court commitments from the superior court. Four percent of the ward population is female. And, although we do have a few 11-, 12-, and 13-year-olds, the average ward age is 18.8 years.

Mr. **Specter**. For females?

Mr. HAYES. No, totally.

Mr. SPECTER. Totally?

Mr. HAYES. That's total population, 18.8.

Mr. SPECTER. What is the youngest ward you have?

Mr. HAYES. At the current time, we have 11-year-old—few, very few.

Mr. SPECTER. What are they committed for?

Mr. HAYES. A variety of offenses, again, out of juvenile court.

Mr. SPECTER. Any homicides?

Mr. HAYES. I'm not aware of any 11-year-old homicide.

Mr. CASTENADA. Yes.

Mr. SPECTER. You say "Yes"?

Mr. CASTENADA. Yes. I've been involved in a purse snatch-type incident where the victim is elderly and the victim has expired.

Mr. HAYES. The average length of stay in institutions is 14.6 months and 18.3 months on parole. This is total. For the total population, that is the average.

Mr. SPECTER. How is the time determined that a person will spend in custody?

Mr. HAYES. We have an indeterminate structure in the youth authority system, and it is governed by a youthful offender parole board. And they fix the time based upon the age committing offense and things of that nature.

Mr. SPECTER. How big is the board?

Mr. HAYES. The board is currently a seven-member board.

Mr. SPECTER. Do they divide into panels to make these decisions?

Mr. HAYES. Yes. They sit in panels, except on some cases. On the more serious cases, they sit as a full board.

Mr. SPECTER. How big are the panels when they sit in panels?

Mr. HAYES. They can sit with two members as a quorum to sit on cases.

Mr. SPECTER. And they make the determination as to how long the individual will serve?

Mr. HAYES. Yes. They set the time.

Mr. SPECTER. This is perhaps a difficult question for you to answer, but I would like your opinion, if you care to give it, as to the adequacy of the consignment or sentencing.

Mr. HAYES. Under the current structure, you're talking about?

Mr. SPECTER. Yes.

Mr. HAYES. In terms of length of time?

Mr. SPECTER. Correct.

Mr. HAYES. Well, there are many factors that have to be taken into consideration. And one would probably be the desirable situation, and the other is the reality of the situation. Currently in the youth authority, population in the institutions is full to capacity. We're into an era of declining resources. It makes it very difficult at any time to extend the time of jurisdiction because you're, of course, using up your bed stays. You can't turn as many people over, et cetera.

Although the length of stay at 14.6 probably—in my opinion, because of the type of offenders we're now seeing come into our systems, more serious offenders, older age group offenders, if we had the resources, I suspect we could do a better job if we could keep them for a longer period of time.

Mr. Specter. Are you saying the youth authority would probably like to keep people longer, but they simply can't because there's not sufficient space?

Mr. Hayes. Yes. That's part of the reality. We're not going to release, certainly, extremely serious type offenders before we feel that they can be adequately supervised in the community. But, nevertheless, again, we're forced also by our limited resources in terms of what we can do in our programs.

Mr. Specter. You say there are 5,815 wards in 16 institutions?

Mr. Hayes. Yes.

Mr. Specter. That represents capacity——

Mr. Hayes. We're currently at capacity.

Mr. Specter. The maximum fullness?

Mr. Hayes. Yes.

Mr. Specter. Are you able to have two or more juveniles in one cell?

Mr. Hayes. Up until the present time, we have been able to by and large avoid that.

Mr. Specter. Is it lawful under California law to have two or more?

Mr. Hayes. It depends on the square-footage size of the rooms.

Mr. Specter. Do you know those requirements or standards?

Mr. Hayes. They have to have for double occupancy 100 square feet in a room. Six by eight——

Mr. Specter. That's not too big, 10 by 10. What is the average-sized room?

Mr. Hayes. I would imagine it's been——

Mr. Castenada. Six by eight in the individual rooms is the average in those institutions that do have individual rooms. Most institutions are open dorm.

Mr. Specter. Six by eight. Well, that's pretty tight, obviously. A 6-foot bed, presumably?

Mr. Castenada. Very narrow bed. It's an individual bed. But most of our institutions are open dorm.

Mr. Specter. Open dormitories?

Mr. Castaneda. Yes.

Mr. Specter. How many individual cells do you have within that confine of 5,815?

Mr. Hayes. I don't have the exact number. It depends—it varies from institution to institution. They're not all standard. They're built differently and for different purposes. Our reception centers where the wards are first brought in for observation and the like—they're almost all single cell because of the nature of the fact that they're there for the first time. When you get into our camp situation, the camps are all dorms. So it depends upon the structure of the institution and the purpose of the institution.

Mr. Specter. You may proceed, Mr. Hayes.

Mr. Hayes. In December 1982, institution population consisted of 73 percent minorities, with 40 percent being black, 31 percent Spanish-speaking, and the balance from other ethnic groups such as Asian, Native American, Filipino, et cetera. The proportion of whites in youth authority institutions has decreased from a high of 40 percent in 1970 to 27 percent in 1982.

It is difficult today to find a community that does not have a youth gang problem to one extent or the other. A substantial number of wards who come into our system are already involved in, and are sophisticated in, ways of street gangs. This number is steadily increasing. In 1979, approximately 40 to 45 percent of youth authority wards were identified with gangs. Currently, approximately 70 to 80 percent of all youth authority wards can be identified as members of, or affiliated with, a gang or have been involved in some type of gang-related activity. These statistics are based primarily on the observations and statistics kept by staff at our reception center.

Although white gangs are represented in the youth authority, gang members tend to be minority members, particularly brown and black. Generally, they are dropouts from school, jobless, from single-parent homes in low economic neighborhoods, and are alcohol and drug abusers. They have basically nothing going for them except the respect the esteem they get from their fellow gang members.

Mr. **Specter.** Are you familiar with in any way, perhaps even generally, with the number of gangs that there are throughout the entire State?

Mr. **Hayes** [to Mr. Castaneda]. How many have you recently identified?

STATEMENT OF ESTEBAN P. CASTANEDA

Mr. **Castaneda.** Those types of statistics are not kept in the State. There was the attorney general's youth gang task force "Report on Youth Gang Violence in California" in 1981. The result from that survey was that there are 765 active gangs in the State with a survey return of approximately 60 percent of the questionnaires returned from law enforcement agencies.

Mr. **Specter.** With 60 percent of questionnaires returned, the estimate was 765 active gangs in California?

Mr. **Castaneda.** Correct.

Mr. **Specter.** Are those gangs distributed all over the State?

Mr. **Castaneda.** Yes, they are.

Mr. **Specter.** You heard earlier the testimony of Inspector McKenna as to the number of gangs in the San Francisco area?

Mr. **Castaneda.** Yes, I did.

Mr. **Specter.** Would you agree with his statement that there are four gangs in San Francisco?

Mr. **Castaneda.** I'm not sure, but the gang members tell me there are more.

Mr. **Specter.** Obviously, the definition of a gang may vary from one——

Mr. **Castaneda.** Yes, it does.

Mr. **Specter** [continuing]. Law enforcement agency to another. I'm not seeking to develop any conflicts in testimony, obviously. I'm really interested in your perspective of it. As you heard me say, I was frankly surprised to see the relatively few homicides of 50 gang-related killings from 1964 to 1977 and the statistic beyond that point.

Based on your definition of a gang, how many would you say there are in the San Francisco area?

Mr. **Castaneda.** I couldn't give a valid answer on that one because I haven't done in-depth research in this area.

Mr. **Specter.** What is the geographical area that you work with, Mr. Castaneda?

Mr. **Castaneda.** I specialize mostly in northern California.

Mr. **Specter.** How do you define northern California?

Mr. **Castaneda.** Everything north of the Tehachapi Mountains on to the Oregon border.

Mr. **Specter.** You have to tell me where the Tehachapi Mountains are.

Mr. **Castaneda.** It's Kern County, across to Santa Barbara, all the way to the Oregon border.

Mr. **Hayes.** You're talking about approximately 40 counties in northern California.

Mr. **Specter.** Would that encompass San Francisco?

Mr. **Castaneda.** Yes.

Mr. **Hayes.** It does include San Francisco.

Mr. **Specter.** How big an area would you say within the metropolitan San Francisco area would be a contiguous unit for evaluating the gang unit in this area? What radius, say, from where we are sitting now——

Mr. **Castaneda.** We're talking about San Francisco itself?

Mr. **Specter.** Yes.

Mr. **Castaneda.** The city limits could be used as the delineation.

Mr. **Specter.** How about the greater metropolitan area?

Mr. **Castaneda.** You have very few other gangs in the metropolitan area itself.

Mr. **Specter.** Where are they?

Mr. **Castaneda.** Mostly in the areas they reside in most of the time.

Mr. **Specter.** Well, how would you define the metropolitan area? Would it include Oakland? Would it include San José?

Mr. **Castaneda.** We're talking right now about San Francisco in reference—Oakland has their own unique problems. Every city in the bay area that Inspector McKenna talked about in a 75-mile radius has their specific gang problems.

Mr. **Specter.** I'd be interested to have a picture of the entire area. Could you describe the differences in the gang problems in the various communities in the metropolitan area, which I believe Inspector McKenna put a 75-mile radius on?

Mr. **Castaneda.** I have never sat down and estimated that. I'd have to research that.

Mr. **Specter.** Can you tell me about the gang problems of Oakland?

Mr. **Hayes.** Senator, basically, we're talking about the gang problem from the standpoint of the Department of the Youth Authority. Even though we work in the other areas in the State of California, we do not have that kind of indepth knowledge about the total community itself per se. Our expertise is primarily in the area of gangs who are committed to the Department of Youth Authority and subsequently go back out on the streets. So, not that we're reluctant to testify in these areas, it's simply that we don't have that kind of indepth knowledge that I think you're requesting.

Mr. **Specter.** To the extent that you have some knowledge, it would be useful to this committee to know what's happening in this area, recognizing the limitations that you have just described. As I understand it, your statement earlier, Mr. Hayes, Mr. Castaneda does have knowledge of the gang problem, and I would be interested in the generalities. You know more about the problems in California than the committee does. So, to the extent you can help us, I'd be interested to know what happens beyond the San Francisco geographic confines, to the extent that you care to testify.

Mr. Castaneda. In my expert opinion—I was a member of the attorney general's task force on youth gangs. So I was exposed to gang problems not only to northern California, but to the entire State, and was involved in that research. Considering the agencies that did not respond to the surveys, I could safely say in my opinion that figure of 765 gangs that were reported as active could easily be doubled.

Mr. Specter. What do you know, if anything, about the gang problem in, say, Oakland?

Mr. Hayes. The gang problem there is proportionate to the population they have. We're having a lot of young blacks committed to the Youth Authority, and as we receive those individuals, we talk to them in our institutions.

Mr. Specter. Did you receive responses to your surveys in Oakland?

Mr. Castaneda. I did not look at the responses for which areas they were from.

Mr. Specter. Do you have an opinion as to the approximate number of gangs in Oakland?

Mr. Castaneda. No, I do not.

Mr. Specter. As to San Jose?

Mr. Castaneda. San Jose has their share of problems, also. And we work with them. They have significant problems, also. This was brought out by Inspector McKenna. They have a preponderance of gangs there—Chicano gangs, hispanic-type gangs.

Mr. Specter. Are the methods for law enforcement's dealing with the gangs significantly different between San Francisco and Oakland or San Jose?

Mr. Hayes. Every agency has their own differences, and they impact differently.

Mr. Specter. What are the differences? That's what I'm trying to find out, if there are any you can discern and testify about.

Mr. Castaneda. My experience working with the different units within the section—there are 15 major geographic intelligence meetings held throughout the State of California that our unit participates within, and I participated in all those in northern California. When I happen to be in southern California, I attend those. And our experience has been that the range of dealing with the gang members varies from jurisdiction to jurisdiction, and their perception of the problem varies. The impact on the gangs has a lot to do with how they actually deal with the gang members on the gang activity. You have heard it referred to with the term "gang busting."

Mr. Specter. Can you give me any illustration as to how you deal with two gangs in a different way?

Mr. Castaneda. The gang busting is you go at a gang to impact on their leaders, remove the leaders from the street. Some law enforcement agencies provide an alternative or assistance in one way or another to the remaining gang members once their leaders are off the street to help divert those individuals out of the community, out of the gang scene to be productive citizens. Other law enforcement agencies just impact on the leaders and provide no other alternatives for those involved in the gang scene. That only just slows down the gang problem until the gang leaders come back out or new leaders surface. Others, like Los Angeles County, provide the coordinated law enforcement-probation approach, the program that you were apprised of in Los Angeles.

Mr. **Specter.** Is there any other jurisdiction which has that coordinated approach besides Los Angeles?

Mr. **Castaneda.** That's the only one at that scale. There's other law enforcement agencies that provide—like, Stockton provides a program where the police department assists gang members that want to get out of the gang scene, assistance in providing them jobs.

Mr. **Specter.** What is your evaluation of the coordinated program in Los Angeles? Good? Bad? Indifferent?

Mr. **Castaneda.** I have no opinion on that because I have not been working down there while the problem has been actually working, nor have I been exposed to it on the streets.

Mr. **Specter.** Could you evaluate other juvenile gang violence programs in other parts of the State besides Los Angeles?

Mr. **Castaneda.** In some areas, very positive.

Mr. **Specter.** Where?

Mr. **Castaneda.** Other areas just maintain control of the gang problem.

Mr. **Specter.** Where is it very positive, Mr. Castaneda?

Mr. **Castaneda.** In San Joaquin County, it's very positive.

Mr. **Specter.** What do they do in San Joaquin County?

Mr. **Castaneda.** San Joaquin did the traditional approach of going to, as the term is used, gang busting after the heavy gang members after known committed offenses were committed. After incarcerating the heavy members, then they actively established the unit within the police department to offer jobs to gang members and advertising. And gang members dropping out of the gang scene have been utilizing that program.

Mr. **Specter.** When you say they proceed against the gang members in a heavy fashion, are you suggesting tougher sentences? Longer periods of incarceration?

Mr. **Castaneda.** That's—the court system is involved in that. It involves probation, also. And the departments have established experts within their own jurisdictions. Stockton's, San Joaquin County Sheriff's Office, and——

Mr. **Specter.** In San Joaquin County, do the juvenile courts make any effort to get longer periods of incarceration?

Mr. **Castaneda.** The probation department does include the information in the probation report on the gang members. They have the vertical gang prosecution pattern as Los Angeles also has.

Mr. **Specter.** Well, do the law enforcement officers in San Joaquin make an effort to have longer periods of incarceration?

Mr. **Castaneda.** The police officers—this falls in the realm of the probation, not the police.

Mr. **Specter.** So the probation department has the responsibility to make the recommendation?

Mr. **Castaneda.** Correct, as part of the presenttencing report.

Mr. **Specter.** In San Joaquin County, do they make a stronger effort for longer periods of incarceration?

Mr. **Castaneda.** Yes, they do.

Mr. **Specter.** Do you think that is salutary or helpful?

Mr. **Castaneda.** It is helpful in the community in that the gang members see others involved in the gang ending up incarcerated for longer terms in different programs, whether it be the county or youth authority or the State prison, and are reluctant to become deeper involved.

Mr. **Specter.** On the deterrence issue, do you think it would be helpful to have a specific term of incarceration announced as opposed to the indeterminate sentence? I know your system does not provide for a specific sentence, but would it be more useful for the deterrence of others if there were a specific sentence?

Mr. **Hayes.** Well, you would have to go back in California and change the—you would have to change the whole juvenile court law and the Youthful Offender Act in order to have a determinate sentence. From our standpoint, the basic philosophy is one of rehabilitation, and that ties into indeterminate sentences. So the whole structure in California would have to be changed at least in the juvenile court and the youth authorities if we went to determinate sentencing.

Whether that would bring about more desired results, I suspect that in the older age offenders that it would. I'm not so sure about those coming to us at a younger age through the juvenile court. But I think—my opinion is that probably determinate sentencing in some cases for older commitments to the youth authority might well be appropriate.

Mr. **Specter.** What age would you use as a break point?

Mr. **Hayes.** Well, the age now in California for when they become adults is at the age of 18.

Mr. **Hayes.** Yes. But we're talking about the youth authority, commitment to the youth authority. It's not determinate at the youth authority at the present ime.

Mr. **Specter.** As to adults the sentences can be for specific terms; correct?

Mr. **Hayes.** Yes, that is correct.

Mr. **Specter.** You say as to some juveniles below the age of 18 you think it would be desirable to——

Mr. **Hayes.** Well——

Mr. **Specter.** Let me finish my question. Didn't you say as to some juveniles below the age of 18 you think a determinate sentence would be desirable as an example to others?

Mr. **Hayes.** I was talking about the Department of Youth Authority where we receive adults from the criminal court and they also are subjected to indeterminate sentencing if they come to the youth authority, not to the Department of Corrections. And I'm talking about that population being subjected to determinate sentencing, and I was not talking about juvenile courts.

Mr. **Specter.** That population is already subject to a determinate sentence if they're prosecuted as adults when they're over 18?

Mr. **Hayes.** And go to the Department of Corrections and not to the youth authority.

Mr. Specter. As to those under 18, do you think there would be any utility in having determinate sentences for any in that age category, that is, under 18?

Mr. Hayes. Across the board one—you know, we, again, accept kids down to the—could possibly accept kids down to the age of 8 years old. And I'm not willing to make that broad statement as far as the juvenile court is concerned. As far as determinate sentences, perhaps on certain cases depending on the—the age of the offender, his past history, his committing offense, on a select basis using some criteria, I would be in favor of determinate sentencing.

Mr. Specter. What kind of criteria would you look for?

Mr. Hayes. Again, I would look for the age, sophistication level, prior offenses, things of that nature.

Mr. Specter. Mr. Castaneda, earlier you talked about providing jobs for the gang members. Would you elaborate on that, please. You were talking about San Joaquin County.

Mr. Castaneda. San Joaquin County—El Monte also has a similar type program. San Joaquin County is parallel to that where the specific section set up—and they call it community outreach program—where they advertised any individual involved in a gang scene that wants to get out of the gang scene, this unit will provide assistance providing funds, and they have a lot of contacts in different community agencies, different businesses.

Mr. Specter. How successful are they in finding such jobs?

Mr. Castaneda. They've been very successful so far. There's a lot of cooperation in the community in San Joaquin County, not just off by itself.

Mr. Specter. What is your evaluation of the success rate for those who are found jobs?

Mr. Castaneda. The majority of them have stayed completely out of the gang scene, the ones that I have been exposed with.

Mr. Specter. Have any of the other counties used the San Joaquin model?

Mr. Castaneda. Yes. There's been—one other city used it. I'm not aware of their studies. Hayward is currently using the same type of program as El Monte, same type of pattern.

Mr. Specter. What kind of assistance would you like to see the Federal Government provide, if any, Mr. Hayes, in this area?

Mr. Hayes. We have not had an opportunity yet, Senator, to describe our program and how we operate our gang program. I'd like to do that, if I may, and then answer your question.

Mr. Specter. Fine.

Mr. Hayes. Basically, what we developed—what the department developed in response to an incident that occurred in December 1977—that incident being a couple murders in our institutions down in southern California that were gang related—in 1978, we established the law enforcement communications team. At the current time it consists of 16 institution coordinators, gang information coordinators, each institution having one, and three staff out in the field, Mr. Castaneda being one, and two in southern California, the purpose being to, as quickly as possible, identify gang members and gang members who come into our institution and to track and follow these gang members throughout the youth authority system on into parole; and, in addition to that, to communicate with law enforcement throughout the State what's going on with these gang people, where they are, what their status happens to be, and to exchange information.

We found that in this manner we're better able to control the gang problems in our institutions and also be of assistance to law enforcement as these people are paroled out on the streets. Mr. Castaneda mentioned to you that we meet our staff in the field, meet with approximately 15 different law enforcement agencies throughout—each month—for the purpose of exchanging information. About 200 law enforcement officers totally are involved in this process and, also, correction workers, where we can meet and exchange intelligence-type information as one method of maintaining control.

That procedure has been fairly successful in our institutions. We have not had any major, major incidents since 1977. We are able to keep track of and confront active gang members as they start—or, if they start to display gang behavior in our institutions, they're immediately confronted with that. Major steps are taken to do something about their behavior if it continues.

Mr. Specter. This relates to the activities of gang members within the institutions only?

Mr. Hayes. Yes, yes. This is our area. And, to the extent, then, that we are able to exchange this information with law enforcement, again, that has been most helpful. In addition to that, we provide training to law enforcement community groups about the gang phenomena and gang activities. Mr. Castaneda is one of our principal trainers.

And, here again, we lack resources to expand this training. I believe that we put on—during the last year, we've been able to expose this type of training on approximately 2,000 people. Our institutional coordinators work part time. This is not their full-time job. If funds were available, we would expand the program. We would have full-time coordinators in each of our institutions; we'd expand our staff out in the field for greater cooperation with law enforcement; and we would expand our training capability. That's where I would like to see resources, as far as the youth authority is concerned.

Mr. Specter. Have there been any Federal grants in this area in the past?

Mr. Hayes. No, there have not been, not to our knowledge. We have not been the recipients.

Mr. Specter. Have there been any applications for any such grants to the old Law Enforcement Assistance Administration?

Mr. Hayes. Not in this area, no. Not by the department, no.

Mr. Specter. If you had an ideal situation with respect to space available for the youth authority, how much space do you think you need in California? You say you have 5,815 in custody now? How much space would be adequate in your judgment?

Mr. Hayes. I haven't seen the recent projection figures, and I'm not really able to—to respond to that, what our institutional needs will be in the future. At the current time, because of the population shift in the youth authority and the bigger problem being with population of California, you can't take a look at one part of the system; you have to take a look at the total system. The Department of Corrections is far more crowded than the youth authority is.

Mr. **Specter.** What is the capacity of the Department of Corrections, if you know?

Mr. **Hayes.** In the last projection figures, I saw that they were going up over 30,000. Mr. Castaneda, is that your recollection?

Mr. **Castaneda.** Yes.

Mr. **Hayes.** They probably, if they have not already, will soon exceed 30,000. Now, they, of course, have the far more dangerous offenders than we do. So we've had to, as a total system, shift some of our—shift one of our major institutions to CDC.

Mr. **Specter.** CDC means what?

Mr. **Hayes.** The Department of Corrections. They will take over one of our major institutions in July because of their crowding and problem. That in turn places a population problem on us, also.

Mr. **Specter.** How big an institution are they going to take over?

Mr. **Hayes.** It currently holds approximately 1,000.

Mr. **Castaneda.** 1,200-bed institution.

Mr. **Specter.** That's a secure institution?

Mr. **Hayes.** Yes; it is.

Mr. **Castaneda.** Yes; it is.

Mr. **Specter.** That will make it a lot tougher for you spacewise.

Mr. **Hayes.** It will make it a lot more difficult, yes.

Mr. **Specter.** There have been proposals from time to time to have the Federal Government enter into the picture of providing correctional facilities, jails. A few years back, there was a proposal in the Congress to have a very substantial jail building program in the neighborhood of $4½ million. That has been sidetracked in the current deficit problems in the budget. I take it you think that would be helpful for Federal involvement if funds could be located?

Mr. **Hayes.** Yes. Again, as we take a look at the total system, all of the facilities in California are crowded, our CDC, the Department of Corrections, the youth authority. And, then, as you go down in local level, you talk about jails. And there's definitely a need for jail funds to improve the jail system in the State of California.

Mr. **Specter.** On a local level, you're talking about detention, as well as short-term sentences?

Mr. **Hayes.** Yes, both.

Mr. **Specter.** Does the detention facility have pretty difficult overcrowding?

Mr. **Hayes.** They're experiencing the same burden as the rest of the system is.

Mr. **Specter.** That is prior to trial?

Mr. **Hayes.** Yes.

Mr. **Specter.** How about after trial on the lesser sentencing for the local agencies?

Mr. **Hayes.** They tell me that their jail facilities are—are either at or operating over capacity.

Mr. **Specter.** All right. Now, so I understand you clearly, the facilities for corrections have a capacity of about 30,000, and for juveniles in 16 institutions, it's about 5,800. And you're about to lose one of your maximum security juvenile institutions for 1,200 because of the need for that space for adults?

Mr. **Hayes.** Yes.

Mr. **Specter**. Which is going to make it all the more difficult for juvenile——

Mr. **Hayes**. That's true.

Mr. **Specter** [continuing]. Detention facilities to accommodate the violent juvenile offenders.

Mr. **Hayes**. That's true.

Mr. **Specter**. How many secure facilities do you have among the 5,800, if you know? I would think that 1,200 would be a big, big percentage of the secure facilities.

You're nodding yes, Mr. Castaneda.

Mr. **Castaneda**. We have two major institutions that house our most violent and serious offenders plus the older youth training school. We're losing a 1,200-bed population of individual rooms.

Mr. **Specter**. What is the capacity of the other secure facilities in the juvenile institutions besides the 1,200 facility?

Mr. **Castaneda**. The other more secure institution, which is the Preston School of Industry that I was formerly investigator at, has two living units in the general population that are all individual rooms.

Mr. **Specter**. How many individual rooms?

Mr. **Castaneda**. There's 50 individual rooms in those living units. The others are a combination—mostly all open dorm.

Mr. **Specter**. What I'm trying to get at is out of the 5,800 in 16 institutions which you currently have, how many of those spaces accommodate really hardcore violent juvenile offenders.

Mr. **Hayes**. Well, if you talk to—if you talk to our line workers in the institutions, they would tell me that all the inmates in there, all the wards are hardcore violent offenders. It's a matter of, if this is what your population has to be, you find a way to accommodate that population. And you go to a more rigid classification system. We're talking about now increasing our camp program so that by obtaining a couple more camps——

Mr. **Specter**. When you talk about camps, you're not talking about an institution with secure walls?

Mr. **Hayes**. No. But our 16 figure includes camps.

We have, what, six camps currently?

Mr. **Castaneda**. Six camps.

Mr. **Hayes**. Of the 16 we have 6 camps currently. If we are able to obtain another camp or two camps, then we'll go back into our institutional population and reclassify the less serious offenders out of that and put them in least secure facilities.

Mr. **Specter**. But when you lose 1,200 spaces——

Mr. **Hayes**. Yes. That is a significant number.

Mr. **Specter** [continuing]. It sounds to me as though you're losing a significant part of it. You may be losing most of it.

Mr. **Hayes**. That's true. That's true.

Mr. **Specter**. If you have 6 of the 16 institutions in camps, you can't put the violent offenders there who would find it easy or relatively easy to escape. I would be interested to know if you could refine further for me what that 1,200 figure represents on secure prison facilities because it sounds, at least on the surface, as if you're losing a tremendous amount of your secure facilities on the necessity to shift 1,200 to the adult prison.

Mr. **Hayes.** You have to understand that the adult Department of Corrections will house more than 1,200 inmates in that facility.

Mr. **Specter.** Because they can put more than one to a cell?

Mr. **Hayes.** Yes, that's right.

Mr. **Specter.** How many will they house?

Mr. **Hayes.** I'm not sure what their total population will be, but it will increase that population at that institution because they will double cell.

Mr. **Specter.** Are there plans for additional prisons to be built in California?

Mr. **Hayes.** Yes, there are plans for that.

Mr. **Specter.** How many and how soon, if you know?

Mr. **Hayes.** I imagine it would take at a minimum, if they could start today, 5 years to bring a bed on the line. And I'm not——

Mr. **Specter.** How does that comport with the move against taxation and the budget crunch which you have in Sacramento?

Mr. **Hayes.** Well, obviously, it's going to put a crunch on that.

Mr. **Specter.** Has there been an authorization for additional prison facilities?

Mr. **Hayes.** I'm not sure what the status of that is for increased beds, prison beds.

Mr. **Specter.** Well, thank you very much, Mr. Hayes and Mr. Castaneda. Is there anything you would like to add at this time?

Mr. **Hayes.** No.

Mr. **Specter.** We appreciate very much your coming.

Mr. **Hayes.** We appreciate very much the opportunity to testify. Thank you.

Mr. **Specter.** Thank you. If you could provide any additional information as to how that removal of the 1,200 units is going to impact on the youth authority, I would be very interested to know. I would be very interested in that figure.

Mr. **Castaneda.** The one part there—I would like to include, even though we're losing the 1,200 beds, one of the options we have within the law is that we can house youth authority wards under its jurisdiction in a department of corrections facility. So we would probably leave the most violent offenders under department of corrections' jurisdiction, even though they're youth authority wards.

Mr. **Specter.** So you may not use the 1,200——

Mr. **Castaneda.** We would not lose the 1,200 per se.

Mr. **Specter.** You may lose 1,200 beds, but you may send the adult unit some of the occupants of the beds?

Mr. **Castaneda.** Correct.

Mr. **Specter.** That may be, then, a paper transaction.

Mr. **Hayes.** In some cases.

Mr. **Castaneda.** In a sense. But we do have right now approximately 25 youth authority wards in the department of correction facilities because they have—they have depleted our resources within the youth authority.

Mr. **Specter.** Depleted the resources meaning——

Mr. **Castaneda.** Right.

Mr. **Specter** [continuing]. You've used all your space?

Mr. **Castaneda.** No, the programs we have, and they've been so violent, yet not violent enough to be tried under a new criminal offense within our institutions. So they're housed in the department of corrections.

Mr. SPECTER. In the adult facilities?

Mr. CASTANEDA. Yes.

Mr. SPECTER. Thank you very much, Mr. Castaneda.

District Attorney Smith has arrived. We welcome you here, Mr. Smith. We appreciate your coming today to assist this subcommittee in our inquiry into the problems of juvenile offenders and how that impacts directly on adult crimes and on the tremendous range of problems which you have as the chief law enforcement officer in a big metropolitan area like San Francisco. I have had experience myself in a similar line, having been district attorney in Philadelphia from 1966 to 1974, and I have some understanding of your problems and of the time pressures which you face. So we are very grateful for your coming, and we look forward to your testimony.

STATEMENT OF ARLO SMITH, DISTRICT ATTORNEY, SAN FRANCISCO, ACCOMPANIED BY LENARD LOUIE, ASSISTANT DISTRICT ATTORNEY

Mr. SMITH. Thank you very much, Senator. I appreciate being invited to attend this hearing, and I have with me Lenard Louie, who is assistant district attorney in charge of one of our felony teams and also is the person who works most closely with the gang task force here in San Francisco.

As you know, San Francisco is a unified city and county. We have one government that handles both what would be the normal problems of a city and county, a unified government. So we have one police department, a sheriff's office who handles only the correctional problems plus the problems of bailiff and service of civil process and no criminal enforcement responsibilities. So that does give us one advantage in terms of planning and unifying law enforcement efforts between the police department and the district attorney's office.

But we are a core city of approximately 700,000 with all the problems of a core city. Because we have the individuals who float into San Francisco—and I don't want to insult anybody present—but, when they come from Chicago or they're sent from Los Angeles or whatever it may be, they don't want to go to San Jose. They end up in San Francisco.

And we also have a unique history. We have a history of diversity. Our population in San Francisco is approximately 25 percent Asian, 12½ percent black, and 12½ percent Latinos. The Latinos in this city are principally Central Americans, rather than Mexican Americans. And, of course, we have a cross-segment or section of all other groups from Europe.

Our diversity is not something new. Of course, the Latins were in California for 200 years. The Chinese Americans have been here for many generations, going back at least 120 years. Many of the problems that we now face in San Francisco in terms of juvenile gangs have occurred very recently, as I'm sure Inspector McKenna, who is one of the outstanding authorities on youth gangs in this State, probably the country, has told you, principally is as a result of the new groups coming into California from Hong Kong and Taiwan and from Southeast Asia, Vietnam—Vietnamese are basically, however, ethnic Chinese, but culturally different—Vietnam, Cambodia, and other Southeastern nations.

So we have seen a strong increase in the Asian gang problem in the last 15 or 20 years in San Francisco. In spite of that—I don't think we should overemphasize that—we have what I call in San Francisco a magnificent diversity of peoples. And we get along very well. We have problems of youth gangs, of course, that reflect a problem that probably has existed and has in fact existed in many cities and counties throughout this State and throughout the country over the years.

I'd like to first give you kind of a quick overview of the law involving juvenile and adult crimes and then how we handle it here in San Francisco in terms of the process and, thirdly, how I'd like to see it handled. And, finally, I'd like to talk about some of the Federal programs.

Now, the law in California between—we have the basic 18-year-old cutoff between adult and minor crimes. The juvenile court authority is up to the age 18. Above that, at 18 and above, it's adult jurisdiction. However, there have been a number of amendments recently. And in California we have a statute, section 707 of the Welfare and Institutions Code, that provides that the district attorney may make a motion to have a 16- or 17-year-old tried as an adult in a certain set of offenses. Basically, they are violent crimes. They are robbery with a gun, assault, attempted murder, murder, rape, those types of serious offenses.

There have been some changes to make clear the standard for the judges at least as to certain of these offenses. And we have vigorously—the policy—well, I'll get into that later.

Fifteen and below, they must be tried in the juvenile court. Between 16 and 17 in serious offenses, they are tried in the juvenile court basically, but they may be tried in the adult court on the basis of a motion by the district attorney's office. Over 18 they are tried in the adult court.

Now, what in fact happens in terms of the way it actually operates is that, of course, there's an arrest made of a juvenile; that case is brought to the juvenile probation department; and they, under the statute, refer that case, if they feel it would be a proper case, to the district attorney for the filing of a petition in the juvenile court; the district attorney's office files that petition and then proceeds to take the case to a hearing in that court, or, as I said, we may make the motion to have that case tried as a adult if, in fact, the age is 16 or 17 in the serious violent case.

It has been the policy of the San Francisco district attorny's office to try all serious violent crimes committed by 16- and 17-year-olds in the adult court. And that policy has been announced by myself. I particularly became concerned about the attitude and the perception of the young people in this city in a case known here as the Debra Chin case. She was a young woman coming out of night school, and she was kidnapped by four young people—it was not a youth gang—but these four young people. She was robbed, kidnaped, raped, shot, ran over, and left for dead. And one of those young people said to the police inspector, "For this I may get log cabin," which is the equivalent of 1 year in the county juvenile facility.

I wanted to make it clear that anyone who engages in that kind of violence in this city will be tried as an adult and will be treated as an adult by the courts.

Mr. Specter. How old was that person?

Mr. Smith. There were a group of them. They were 16 and 17, all four of them. There were, I believe, two 16 and two 17.

And, of course, that motion was granted and, in fact, they were tried and convicted and received under our determinate sentence laws sentences running between 40 and 60 years each. And I, personally, made the appearance there, not for the purpose of any showmanship, but to be sure that the word got out so there would be more coverage so the word got out to the young people that was our policy.

We've had that policy in a number of other cases and indeed had to take some on appeal, which we won. It makes it clear now that in those kinds of violence, the juvenile judge has very little alternative but to have that case set over for the adult court.

Mr. Specter. In cases where the juvenile judge had declined your motion——

Mr. Smith. Yes. We took a case where the judge had declined the motion, and, actually, the district attorneys pursued the appeal, and I won't go into the reason why we had to pursue it. But I, with my experience, decided that that was the right course to take, and it turned out to be the right course. The judge was reversed. So the standard is set that those kinds of serious violence, regardless of all the other standards set out in the statute, the judge is virtually compelled to send that case to the adult court.

When they get to the adult court, those cases are handled in the fashion, basically, of an adult case. In California we have what we call a preliminary examination, rather than a grand jury. They must be brought before the judge and have a minitrial to determine whether or not there is probable cause to hold him to answer. It's also a discovery technique for the defense counsel with cross-examination, additional witnesses, et cetera. And then they are held for the felony trial. And that is the procedure that we follow both for adults and for the juveniles who are sent to the adult court.

Mr. Specter. There is no grand jury in California?

Mr. Smith. We have a grand jury, but under California law, if you indict someone under the grand jury—and we still use it as an investigative tool, particularly here in San Francisco. And we brought some 130 indictments last year. But, if the defendant demands a preliminary examination, you must also hold a preliminary examination under some theory of our California Supreme Court, which is unique to California. So you cannot avoid it if the defendant demands it. And then we proceed to the trial.

What we need and what I'd like to see is a system whereby we—I might say before I get into that that there are some differences in terms of the nature of the case, for example, if the case is in fact a homicide. In certain other offenses, we have in San Francisco what we call vertical teams, a homicide team that handles that case from start to finish. As you know, it is vertical prosecution where one prosecutor takes the case from the beginning and handles it to the end. But most of the cases—assault, robbery, and those cases—are handled with different teams of lawyers. We'd have one in the juvenile court, one in the preliminary court, and another one in the—at the felony trial stage. And, of course, that has a particularly bad effect on the kinds of juvenile gang cases, and we try to separate them out to the extent that we can. But, of course, it's a question of staffing, and it becomes a serious problem.

Mr. SPECTER. How many assistant DA's do you have?

Mr. SMITH. Well, I have 90. But, incidentally, we just happen to be the most understaffed district attorney office in the bay area, if not the State.

Mr. SPECTER. How many do you think you need?

Mr. SMITH. Well, we'd need at least 25 percent more. Most other counties comparable have more than we do. For example, in San Francisco, each felony complaint we handle costs approximately $800. In other bay area counties, other metropolitan counties, the average is like $1,600.

Mr. SPECTER. How many counties are there in the bay area?

Mr. SMITH. Well, if you speak of it geographically, we speak of nine counties, but there are five of what you call really metropolitan San Francisco—Alameda, San Mateo, Santa Clara, Contra Costa, Marin. The bay area has approximately 5½ million people as a whole. So we do have some constraints.

I would like to see a system whereby we had in addition to Lenard Louie here, who works with the gang task force and, in fact, in the felony area personally handles many of the gang-related cases, youth gang-related cases that are brought to the adult court, as I say, except for the vertical prosecution cases, and he attempts to supervise and to guide those cases from an early point in the case—and I'd like to see more vertical prosecution—I don't want to use the word here—but more individual case handling by the prosecutor from start to finish in these cases. And I'd like to see it at the juvenile level where we have many of these cases, and many of these cases are handled by the staff out there and then are brought into the adult court. And there are a lot of reasons for that. We have special witness problems, as you know, with these kinds of cases. The witnesses are—they have language problems. We have problems of their unwillingness to cooperate due to culture differences and also due to their concern. The police and the prosecution in South Vietnam may not have been what it is here. They expect it will be like it was there. It's a different kind of orientation. And there's also the fear that the witnesses have. That's why it's important to identify these cases early, to proceed with them by the same prosecutor.

A classic example: Not long ago we had a case involving a youth gang where the—they came into the preliminary examination and attempted to stare down the victim and the witnesses. And, finally, the day before the trial, the night before the trial was set, they fired a shot through the front window—someone fired a shot through the window. I shouldn't say "they" because we don't know. I think we can infer someone on behalf of the defendant shot through the front window of the victim's house—home—the night before the trial.

So I think that we need to handle those witnesses in a different way. We need to spend more time with them. We need to know the background. We need to have some liaison, careful liaison between the police gang task force——

Mr. SPECTER. Did that victim whose living room was invaded with the shot come forward and testify?

Mr. SMITH. Yes, they did come forward.

Mr. SPECTER. Good.

Mr. SMITH. They did come forward and testify. But those are the kinds of problems of fear and of cultural differences that we do face that require a different kind of handling. And, in fact, I would like to see Federal programs that would encourage experimentation in this field. I know a lot of people are very critical of LEAA, and there may be much to criticize in that program. But there have been many, many excellent programs that have arisen as a result of the experimentation in LEAA. At least the career criminal program is one which has been most effective not only in San Francisco, but in California statewide.

Mr. SPECTER. Has your office received Federal grants in the past, Mr. Smith?

Mr. SMITH. Yes. We've received criminal grants, and we received special prosecution grants. We received victim-witness grants. And all of those programs are now being funded by the county of San Francisco—"ad valorem taxes" we call them, tax moneys and——

Mr. SPECTER. Career criminal, and what else?

Mr. SMITH. Special prosecution, victim-witness, and, actually, a fourth, family violence.

Mr. SPECTER. Could you describe each one of those briefly as to the grants which were received by the San Francisco DA's office?

Mr. SMITH. Yes. The career criminal program, which is probably the most sucessful throughout the Nation, is a program which is designed to identify and specially handle cases involving criminals who are making a career out of crime. And those cases are identified first by the police department and their special unit and brought to the district attorney's office. Basically, it involves an individual who has committed a series of crimes or an individual who has committed fewer crimes with a long past record.

And I might say at this point that the woman who is in charge of our juvenile division, an assistant district attorney by the name of Nancy Stretch, works in the career criminal program, and she advises me, as well as the other members of that program, that most of the individuals who they see with this kind of past record have serious juvenile records, as well as adult records, when they receive the case. And the object, of course, is to handle those cases, as we said, vertically, to handle—to let one assistant or deputy handle the case from start to finish, to obtain—to resist any bail, maximize the bail, to maximize the penalties, and to, of course, assure conviction. We've been very successful in all of those, as have the programs around the State and the Nation.

Mr. SPECTER. Mr. Smith, my experience as a prosecutor was similar to yours in defining the career criminal problem, and has led me to propose legislation at the Federal level, which was passed by the Congress last year, but was part of a package of seven bills which the

President vetoed because he didn't like one of the bills on the drug coordinator. And the legislation which I had introduced and which has been reintroduced in this session, S. 52, provides that where someone has been convicted of two or more robberies or burglaries and is charged with a subsequent robbery or burglary with a firearm that there would be jurisdiction in the Federal court to try that person, given agreement between the district attorney and the U.S. attorney, with a mandatory minimum of 15 years in jail. We had patterned that after the Habitual Offenders Statutes which are present in some 44 States providing for a life sentence where someone was convicted of either three or four major felonies. But we had compromised it to 15 years because of the view of some that a life sentence was too harsh under those circumstances.

This legislation has been endorsed by the National District Attorneys Association once we had the amendment, which has caused some interesting controversies as to requiring local concurrence with the U.S. attorney's office. We're between a rock and a hard place on that issue because the attorney general doesn't like it. He wants the authority. The National District Attorneys Association felt that there ought to be agreement between the U.S. attorney and the district attorneys, which I personally believe to be the preferable course. There is widespread understanding that there are plenty of cases to go around. Nobody is going to be fighting over them. There may be an unusually celebrated case, and, in that event, my own sense is that it's the local prosecutor's option. He ought to have it. If the local prosecutors could handle all the cases, my view is they ought to handle them.

But one of the things I've looked toward here, again, based on my experience, if I, as DA, could have sent a half dozen cases to the Federal prosecutor where those defendants would have known they would be getting 15-year sentences on an individual judge's calendar, speedy trial, it would have induced 50 other career criminals to enter guilty please in the State courts and get a much lesser sentence, but at least it would move the cases along.

Mr. Smith. Not in our State courts.

Mr. Specter. No?

Mr. Smith. No.

Mr. Specter. Why not?

Mr. Smith. We would charge those priors, and we'd add those on under State law.

Mr. Specter. How much of a——

Mr. Smith. In fact, we don't even have to prove under prop 8 that they served time in a State prison and the fact they've been convicted of a felony. We can add all those on.

Mr. Specter. How fast can you try those?

Mr. Smith. We try them in San Francisco; we have very probably one of the—I'm bragging.

Mr. Specter. Fine.

Mr. Smith. But the fact of the matter is, from start to finish in a custody case—I'm talking about from the arraignment, first arraignment, in municipal court—approximately 68 days.

Mr. Specter. In a custody case?

Mr. Smith. In a custody case. In a noncustody case, it will run—the average is going to be closer to 100 days. So that we bring those——

Mr. Specter. Do you have sufficient judges to try your criminal cases?

Mr. Smith. Yes, we do. And we also have the policy of our superior court, which is a master calendar system—they have a policy off not granting any continuances, taking—accepting any waivers of the defendants, time waivers, beyond 60 days unless there is a very substantial reason like a serious health problem of the attorney. No conflicts and not the usual excuses that are given for waiving time and continuing area accepted. And, in effect, in San Francisco, the people get what the constitution provides in California, a speedy trial, as well as the defendant.

Mr. Specter. So the average trial time is 100 days in criminal cases, you're saying?

Mr. Smith. Less than that.

Mr. Specter. Less than 100 days? How much less?

Mr. Smith. I'm just dividing between the——

Mr. Specter. Between the custody cases——

Mr. Smith. I'm separating out between the custody and noncustody cases.

Mr. Specter. What——

Mr. Smith. In fact, they set them—when they come in after the preliminary examination, then they are arraigned in superior court, and they are set on the calendar 5 weeks down the line. So you can see how it is very speedy, as it should be, both for the defendant and for the people.

Mr. Specter. Are you are to say approximately how many cases you try a year out of your office?

Mr. Smith. Oh, approximately 200 jury trials.

Mr. Specter. Approximately 200 jury trials.

Do you have many nonjury trials?

Mr. Smith. We have some, not too many. These are Superior Court trials. I'm not talking about misdemeanor trials now. I'm talking about superior court felony trials.

Mr. Specter. Would you have an approximation as to how many nonjury trials there are?

Mr. Smith. Not too many. There are some of them occasionally submitted on the transcript, some of them submitted on—well, basically on the transcript of the preliminary examination.

Mr. Specter. Are there a great many of guilty pleas?

Mr. Smith. Oh, yes, tremendous number of guilty pleas. As you know, in any system the number of guilty pleas are the high percentage of the cases.

Mr. Specter. Could you give me an approximation as to what percentage that is?

Mr. Smith. It's got to be—it's got to be over 90 percent; 90 percent—it's around there.

Mr. Specter. Would you say the sentencing is adequate when you come to the violent offenders, as a generalization?

Mr. Smith. Yes, absolutely. In San Francisco it is—it is very definitely adequate. In fact, in San Francisco in the last fiscal year, we committed to the State prison 1,056 persons. If you can see on the statewide basis since we represent less than—we represent about 4 percent of the population, it would be—if it were done at that rate on a statewide basis, there would be about 50 percent more people in the State prisons than as I think there are.

Mr. SPECTER. We had testimony earlier today about the California State prisons being full to capacity and about to take over some juvenile facilities.

Mr. SMITH. Yes.

Mr. SPECTER. How does that situation impact, if at all, on the judge's sentencing or the——

Mr. SMITH. I don't believe it has any impact on the San Francisco judges.

Mr. SPECTER. They simply sentence them——

Mr. SMITH. They simply sentence them. That has been a problem in California as you—we have not increased the capacity of our State prison system for over 20 years. Population has gone up 50 percent. Crime has gone up a hundred percent. We simply have had and do have inadequate jail facilities due to—and I'm not going to place blame anyplace. But the fact of the matter is, in 20 years with all of this tremendous increase in population and in crime, there has been no addition. And the public in California recognized that and indeed have made a strong statement in support of strong law enforcement by voting, first, in the June election last year for a State bond issue to build more State facilities and in the November election voting for a bond issue to assist in building and refurbishing and adding on the county jail facilities, as well as passage of other propositions.

Mr. SPECTER. Were there dollar figures on those bonds?

Mr. SMITH. I'm not sure offhand. I could get them for you. I think one was 350 million, and the other I'm not positive of. I can get those numbers.

Mr. SPECTER. Do you think that it would be useful from your point of view to see this Federal career criminal statute enacted? Would it be of any assistance to you?

Mr. SMITH. Basically, to me, no. We are currently funded by—in California there's funding from the State for approximately more than 50 percent of the career criminal efforts. And the rest are funded by the city. And the problem of separating out these cases, I think—you know, we handle them. And, of course, our criminal cases involve more than simply robbery and burglary. They involve a number of other offenses, although those are the two major cases. But the State statute has broadened the kinds of cases that can be included in the career criminal program.

Mr. SPECTER. The effort on the Federal level was to limit it as much as possible, just taking the two. The major felonies of arson and rape and rape and homicide were deliberately excluded——

Mr. SMITH. Yes.

Mr. SPECTER [continuing]. To try to narrow the confines as much as possible to the two principal crimes of violence.

Would you have an opinion as to the desirability of such a statute on the national level?

Mr. SMITH. I think that it would serve on the national level. The situation may be far different than in other States. And I found out a long time ago in working with the State legislature and my experience in the State attorney general's office, that you can't have one solution, as I say, for Los Angeles County and the same solution for Modoc County or, for that matter, for San Francisco and Los Angeles because the problems are different; the situation is different. And I'm confident that that is also true when you take that in terms of metropolitan areas or in terms of States around the Nation.

Mr. Specter. So you think that the career criminal statute I've described to you on the Federal level would be appropriate even though it wouldn't necessarily have any applicability to your local situation?

Mr. Smith. Yes, that's correct.

Mr. Specter. You started to describe, Mr. Smith, the other Federal programs. How was the special prosecution program fashioned?

Mr. Smith. It was fashioned with a team of lawyers working with a team of investigators and other assistants to look into, basically, organized-crime type activity and corruption cases involving governmental offices.

Mr. Specter. How did that work?

Mr. Smith. That has worked excellently. In fact, we're just unfortunate it's more work than that unit can handle. And we work closely with the Federal strike force. And, in the State of California, we have a unit in the State attorney general's office which is comparable to the strike force idea, and we work with those—both of those units, although most of our efforts, of course, involve San Francisco problems.

Mr. Specter. Do you recall what the amount of these grants have been?

Mr. Smith. Roughly, I think in the case of special prosecution, around $360,000. But this goes back 3 years. With inflation you've got to add to it. And, in the case of career criminal, I think it was approximately $250,000.

Mr. Specter. And what was the——

Mr. Smith. The city—go ahead.

Mr. Specter. What was the essential part of the victim-witness grant?

Mr. Smith. Our efforts right now in career criminal with the State and the city moneys is about $450,000.

Mr. Specter. Would you describe briefly what programs you had under the Federal grants for victim-witness and family violence.

Mr. Smith. Yes. We had a victim-witness program to provide what should have been done for many, many years, as the victims have been literally the most forgotten person in our whole system of criminal justice, as you're well aware. And it provides a number of services. It is aimed at, No. 1, assisting the witness in terms of the State victim compensation law so they can apply. It assists them immediately if they have any kind of an emergency problem and require help, if they've been robbed of their last dollar, to see if we can direct them to the proper agencies. Or, indeed, we have also a small fund called friends of victims, in which we can assist them in small ways.

Also, of course, it's to advise them of the—of what they can anticipate in court so it isn't a complete mystery to them and to bring them, if necessary, to—to provide transportation to court for somebody who is able or somebody who is disabled or elderly. And we'd have a witness room. It's very inadequate, but, nevertheless, it is a place where the victim or a witness can come in San Francisco in the hall of justice and not have to sit out in the hall and be confronted by the—by the individual who mugged them.

Mr. SPECTER. How about the family violence program?

Mr. SMITH. The family violence program is one that is particularly new, and it is a program which is aimed at—at looking at family violence across the spectrum. As you know, the problem is one that, in my judgment, is one of those problems that has been neglected by both the police department and the prosecutor's office for many, many years. And one of the most difficult things confronting a police officer is a family dispute because he gets in the middle of a very serious dispute that changes sides.

We do a number of things: No. 1, we had a number of educational programs with the police department and the social agencies and, indeed, the identification in San Francisco of family violence cases in the area. In our survey, it has gone up 60 percent. It's simple identification. When those cases are identified, the family violence project will provide again counseling, will provide shelter, if they need it, direct them to the appropriate agencies, and will indeed serve as a support system when they go into court.

As you know, frequently, those victims change their mind for a number of reasons. We also have a service for the batterer, which is normally the spouse or the lover, whatever the situation may be, in which we provide direct counseling or direct them to other agencies. And the program has been a tremendous success. And, in fact, the State attorney general's office, Governor Deukmejian, cited it as a model in the State of California. And, in fact, the San Francisco Foundation gave it a separate grant for excellence in the past year. And it is a program that breaks up that cycle.

As you know, the cycle of violence—it is clear that it goes from generation to generation when you have that kind of violence in the family. Also, there is a great relationship between high degree of—degree of relationship between violence in families and violence on the street.

Mr. SPECTER. Mr. Smith——

Mr. SMITH. If we can do something about that problem, I think that it's one of those core problems in crime that we need to address.

Mr. SPECTER. On the issue of calendar control and speed of prosecution, to your knowledge, is there any significant problem in California, perhaps in the adjacent counties, on speed of bringing criminal cases to trial?

Mr. SMITH. I think in the bay area it's fairly—fairly fast. I know that in some of the counties—in Los Angeles they have a serious problem in both civil and criminal cases.

Mr. SPECTER. In Philadelphia we had a tremendous problem of inadequacy of the number of judges, courtrooms, and assistant DA's and voluntary defenders so that there were, unfortunately, occasions when someone out on bail would be charged with other offenses. Is that a common problem that you have here?

Mr. SMITH. Well, I don't—I don't think the problem relates to the speed of trial. It's not at all an uncommon problem to have the person bailed seek—well, go out and commit another crime for whatever reason, particularly the crime he's been accused of. Robbery is a classical example.

Mr. SPECTER. Is it realistic in your opinion to shorten the time of trial to deal with the problem of a person on bail who is charged with other offenses?

Mr. SMITH. Well, I think in San Francisco we—it could be—it would shortened. There's very little area in which we could shorten it any more because we have to bring—from the original arraignment, you have 10 days to bring it to prelim. Then you've got—we have 15 days to file the information, 10 days to get it to the superior court, and then they—then it must be tried in 60 days. And the judges follow the rule, the statute. In fact, it is very difficult to get a waiver beyond the 60 days in which we must bring them to trial.

Mr. SPECTER. How about the issue of——

Mr. SMITH. I'm sure we could shorten it, but I don't think significantly.

Mr. SPECTER. How about the issue of revoking bail? That's a matter which we're now debating in the Congress, and the Senate did pass a law. In some places it is known as preventative detention. If there is a particularly dangerous individual, there can be a motion to deny bail. What is your feeling on that subject?

Mr. SMITH. We did have along with proposition 8 last year—prop 8 had a different procedure, but there was another proposition, proposition 4, that was voted by the people that basically has the notion of preventative detention. If indeed the individual is—if you can prove his dangerousness, you can set—deny bail.

Mr. SPECTER. Do you agree with that proposition?

Mr. SMITH. We—I agree with that proposition. The procedures—it's fairly limited, and we have not—I think we've only made a couple of requests so far.

Mr. SPECTER. So that was passed on a referendum under your system——

Mr. SMITH. On an initiative. I'm sorry. That was—that was a change with the legislature put to—not an initiative by the people, but a constitutional change which the legislature placed before the people.

Mr. SPECTER. Originated in the general assembly?

Mr. SMITH. Right.

Mr. SPECTER. And then the people passed it?

Mr. SMITH. Right.

Mr. SPECTER. And then that becomes law?

Mr. SMITH. That's correct.

Mr. SPECTER. And that law provides certain standards where you can hold people without bail?

Mr. SMITH. That's correct.

Mr. SPECTER. Pending trial?

Mr. SMITH. That's correct.

Mr. SPECTER. You used it in a limited number of cases?

Mr. SMITH. Yes. It's limited in its definition.

Mr. SPECTER. Can you give me an example where you have used it?

Mr. SMITH. We asked for it in a case where the individual had murdered his wife, his spouse. They were separated, divorce proceeding. They made threats to have—to other persons aimed at the daughter, whom subsequently we arranged to have sent back to the grandmother in Illinois or Ohio. I forgot what the State was now. In that case we sought it, and the judge in that case granted a very, very high bail.

Mr. SPECTER. He did not deny bail?

Mr. SMITH. No.

Mr. SPECTER. Has there been a case where the judge denied bail?

Mr. SMITH. No.

Mr. SPECTER. How long has it been in effect?

Mr. SMITH. A few months now.

Mr. SPECTER. Aside from the issue of Federal funding for the vertical prosecution of juvenile cases, would you have any other suggestions as to what Federal funding might be useful for in the juvenile area?

Mr. SMITH. Yes, I do. I believe that what we need is to have more interchange and exchange of information and more—a closer monitoring of these cases, both at the—at all levels of the system. Not only the police, which do it, the prosecution, the correctional agencies—any information that any other agency has following—we ought to be advised when they release somebody from an another agency into San Francisco who happens to have this kind of background to the State Department of Justice and the Federal agencies. I think we need to have more exchange of information, some of it in a kind of seminar way, the way in which the State Department of Justice attempts to do it now, and they do it very successfully. I'm not criticizing. I think we need a more intensive effort.

Sometimes what you need is to have a counterpart in another agency to even talk to—a police officer, a deputy, or an assistant district attorney. It's that kind of immediate exchange of information that can be critical to a case in terms of knowing the background or knowing some of the problems that might arise with an attempt at the victim for some other incident that relates to the incident that occurred here that shows a kind of pattern. I think that is one of the most—one of the very important things that ought to be done.

Mr. SPECTER. Mr. Smith, we very much appreciate your joining us this morning, very much indeed. Is there anything that you would care to add at this time, Mr. Smith or Mr. Louie?

Mr. LOUIE. No.

Mr. SMITH. No, not that I know of.

Mr. LOUIE. It's pretty inclusive.

Mr. SPECTER. It's very helpful. It's a pleasure for me to talk to another district attorney about the problem. You're on top of the trial calendar, which is one of the toughest lines. We'd like to inquire into the specific total number of cases tried between felony and misdemeanors and the speed of trial and the number of guilty pleas to get some overall ideas to your calendar situation.

Mr. SMITH. Sure.

Mr. SPECTER. We thank you very much for coming.

Mr. SMITH. Thank you.

Mr. SPECTER. I'd next like to call Mr. William Vaughan Stapleton, director of the Center for the Assessment of the Juvenile Justice System. I appreciate your being here, Mr. Stapleton, and look forward to your testimony.

STATEMENT OF WILLIAM VAUGHAN STAPLETON, DIRECTOR OF THE CENTER FOR THE ASSESSMENT OF THE JUVENILE JUSTICE SYSTEM, AMERICAN JUSTICE INSTITUTE

Mr. STAPLETON. Thank you, sir. You have, perhaps before you a report released by the U.S. Department of Justice approximately 1 month ago. In short form it's 18 pages entitled "Response Strategy for Youth Gang Activity."

This is part of a larger study commissioned by the National Institute for Juvenile Justice and Delinquency Prevention entitled "Police Handling of Youth Gangs." This larger study is currently under review for accuracy and is not yet official.

I should like to outline some of the major points. The study was commissioned to find out principally what police departments in major cities in this country were doing about the youth gang problem. It is a study confined to a survey of a scientific sample of cities. 78 cities were selected on the basis of geographic region, population, size. 60 cities responded, and, of those 60 cities, 27 responded that they had gangs. This, then, became then the focal point for further interviews with the police departments.

Our interviews concentrated on what they were doing to handle the gang problem, trying to find if there was a typology of strategies that could be derived from this particular survey. The survey confirmed the U.S. Attorney General's task force recent findings that gangs and law violating youth groups are clearly a growing problem for this Nation's cities and their law enforcement agencies. This comes from the U.S. Attorney General's Task Force on Violent Crime, 1981 report.

Gangs are not exclusive to large urban areas. Many intermediate and small city police departments recognize gang activity as a contributing factor to escalating crime rates. We can neither confirm nor deny on the basis of our present survey the Attorney General's conclusions concerning the problem's overall seriousness or magnitude. This assessment is a political art rather than an exact science.

The degree to which a police department responds organizationally to juvenile gang activities depends upon a number of factors. Although young gang and problem youth group members commit a substantial number of crimes, this number may be large or small depending on how you count them. For instance, is one homicide counted as a homicide of one victim? Or, if perpetrated by eight individual gang members, is it counted as eight individual instances? Depending on your counting system, the crime rate may be large or small.

Youth gangs prevent a dilemma to the police administrator with limited financial resources. Modern police department management of several hundred to, in some cases, many thousands of individuals, requires administrative judgment on resource and manpower allocations to critical areas. The organization of a specialized youth gang response, whether it be one person or a full gang unit, is not a casual exercise. In its most extreme form, there is extensive division of labor and expense entailed in the development of gang intelligence units and gang enforcement activities.

We found three specialized organization forms that characterize those police departments reporting youth gang or youth group problems. In ascending order of specialization, they are the youth service program, where traditional police unit personnel—most commonly, the youth section or bureau are assigned gang control responsibility. Personnel are not assigned exclusively nor principally to gang control work.

We then go to the gang detail, where one or more officers of a traditional police unit are assigned responsibility for the control of gang problems. These officers are typically assigned exclusively to gang control work, but they're within a traditional division.

Finally, the gang unit. A police unit is established solely to deal with gang problems. The gang unit typically encompases a comprehensive intelligence function, and personnel are assigned exclusively to gang control work.

There are four functions of gang control activities found in police departments across the country. These are intelligence, prevention, enforcement, and followup investigation. Surprisingly, however, we found that the functions of gang control are diffused throughout police departments, even though you may have one unit in charge of gang control. The various functions of prevention, intelligence, information processing, and followup investigation and enforcement are diffused throughout various divisions in police departments.

The amount of resources that agencies are now investigating in gang crime prevention and control cannot now be measured accurately. This is a very difficult thing to estimate. We did find out through our survey that some police departments invest a substantial amount of money, in some cases millions of dollars, in gang control work and activities.

We found that many gang control programs have management problems. The overwhelming majority of agencies operate without benefit of written policies and procedures and with personnel who have received no professionally administered training. The most serious flaw by general agreement in the management of present programs is the failure to evaluate the effectiveness of gang control programs, and to set performance standards so that one may compare jurisdictions and their effectiveness.

Mr. SPECTER. What's your judgment as to a good way if not the best way, of dealing with gang problems?

Mr. STAPLETON. Our judgment, again based upon surveys of these police departments, was a comprehensive community gang control program.

Mr. SPECTER. Consisting of what?

Mr. STAPLETON. Consisting of a liasion between the police who are, of course, the front lines on gang control programing, especially when gang violence or gang misbehavior escalates. But the police themselves cannot handle it alone. They must coordinate with the prosecutors, with the court system, with probation officers, and with the various community agencies that are active within a community. It is generally recognized among gang control——

Mr. SPECTER. What kind of agencies? What kinds of agencies?

Mr. **Stapleton**. I cannot specify the precise names of the agencies. I would call the agencies the various social service agencies that have operated in community youth programs that may or may not concentrate specifically on gang activities. But these are youth programs directed toward kids.

Mr. **Specter**. Are you familiar with the Los Angeles program?

Mr. **Stapleton**. I'm familiar peripherally with it as one of the programs that responded.

Mr. **Specter**. Do you have an opinion as to the value or effectiveness of the Los Angeles program?

Mr. **Stapleton**. I have no opinion, sir. I can report that they reported it as effective. I have no personal opinion and no personal knowledge of how effective it is.

Mr. **Specter**. Did you hear the testimony about 50 gang homicides in San Francisco for the period of 1960 through 1967 and, I think it was, 16 from 1977 to the present?

Mr. **Stapleton**. Yes, I did.

Mr. **Specter**. Did those figures sound about right to you?

Mr. **Stapleton**. I have no way of knowing whether the figures on the number of homicides are correct or not. Again, I would have to know whether that is counted as the number of homicides based on the number of incidents or the number of individuals arrested for those.

Mr. **Specter**. Assume the number of 50. Does it sound about right to you?

Mr. **Stapleton**. I would have a hard time answering that, sir. Certainly, it is within line with what San Francisco reported at the time of the survey as the number of gangs active compared with Los Angeles. If we took the number of gangs active in the community, it would seem to be in line, if somewhat low. But, again, it depends on how you count the number of incidents versus the number of perpetrators.

Mr. **Specter**. Well, on homicides I have never seen them counted any way other than the number of dead people, the number of victims. You can have a lot of cases. If you have a dozen defendants, you could have a dozen cases. But the number of homicides themselves, the number of fatalities, would be the number of people who are killed.

Mr. **Stapleton**. That is one standard method of reporting, crimes known to the police. Another standard method of reporting to the FBI Uniform Crime Reports is the number of arrests made for a particular incident. In that event you'll have probably more arrests, especially for gang crimes, than there are incidents.

Mr. **Specter**. As a result of your studies, would you have a recommendation to this committee as to how we might approach the problem of juvenile gang control nationally?

Mr. **Stapleton**. Nationally, there seems to be a need in several areas, as expressed by the responding police departments. One area is in terms of coordination—and you have already heard testimony to this effect this morning—coordination between not only police departments and other elements of the law enforcement community including prosecutors and courts, but coordination with communitywide agencies.

Mr. Specter. What can the Federal Government do about that, in your judgment?

Mr. Stapleton. Coordination of those various elements means bringing people together, and that's time, effort, and money. The Federal Government can be asked by individual communities to provide the wherewithal, either the opportunities or the funding to bring together the experts in given communities to share their information.

Mr. Specter. What can the Federal Government do beyond the issue of coordination?

Mr. Stapleton. Training, sir. An express need by many of these departments was in the area of training. Of 27 police departments reporting on their training methods, only 17 reported some formal training. California, of course, has taken the lead in its training efforts. But, still, nationwide we found a great need for information sharing and training of police officers in the characteristics of youth gang crime and the different ways to approach this problem.

I would see that a major need as expressed by the responding police departments is in the area of formal training in youth gang—the nature of youth gangs, youth gangs' activities, and strategies to combat their activities.

Mr. Specter. What beyond coordination and training?

Mr. Stapleton. Part of training would be technical assistance in the management of manpower resources in police departments; training in identification of the gang problem; how to count the number of crimes; whether or not a gang problem is expressed solely in terms of the amount of graffiti on the walls or whether it's reflected in other problems in the community; and, in terms of helping police departments, implementing effective strategies.

For instance, in giving workshops around this country in national seminars sponsored by the National Institute for Juvenile Justice and Delinquency Prevention, several police departments have responded on the basis of workshop materials that, if they had had this information prior to their organization efforts, they could have saved a lot of time and money. Information dissemination and coordination of training activities are necessary so that police departments who are now just beginning to experience the gang problem in smaller cities have access to the body of materials and information developed in areas, such as California, that have had a gang problem for some time.

Mr. Specter. Anything more that the Federal Government could do?

Mr. Stapleton. On the basis of this study, no, I could not say so.

Mr. Specter. What is your own background, Mr. Stapleton?

Mr. Stapleton. My background is, I have a degree in anthropology, an advanced degree in sociology, and training in law. My specialty is practical studies if applied social science in the legal field. I've had training at Yale and Northwestern graduate schools and law schools. I am currently director of the Center for the Assessment of the Juvenile Justice System of the American Justice Institute in Sacramento, Calif. I have 18 years of experience in practical and applied research.

Mr. Specter. Did you make an evaluation of the juvenile justice system nationwide?

Mr. STAPLETON. Part of the mandate of the center, sir, is to conduct studies to evaluate the nature of the system. Yes, I am considered an expert on the nature of the justice system nationwide. It is part of our ingoing efforts at the center. It is not a specific study at this time.

Mr. SPECTER. When was the American Justice Institute organized, and of whom does it consist?

Mr. STAPLETON. American Justice Institute was organized back in 1959, I believe. I've only been with the American Justice Institute a little under a year and a half. It's been in existence, I think, 22 or 23 years. It was founded by a group of individuals to be an institute for research and justice to provide practical solutions to justice problems. It has a board of directors and now has a permanent staff of now about 18 individuals. The center has a permanent staff of five.

Mr. SPECTER. Aside from the problem of juvenile gang works there, there is a current issue facing this subcommittee as to the administration's proposal to zero out the juvenile justice funding. In fiscal year 1980, I believe that the figure was $100 million at the national level. And President Carter's last budget was set at $135 million. When President Reagan came in, he put a figure of zero, and we had quite a battle in the Congress and ended up with a compromise of $70 million, which we have maintained.

What is your opinion as to the need for maintenance of a juvenile justice apparatus at the national level, an Office of Juvenile Justice and Delinquency Prevention, if I may ask you a nonleading question?

Mr. STAPLETON. Well, sir, you realize I'm limited as to what I can say as my opinion. Essentially, I live off of funds to do research.

Mr. SPECTER. Why are you limited as to what you can say as to your opinion?

Mr. STAPLETON. Because I make my living off of moneys devoted to research; and, therefore, naturally, I would be for such moneys.

Mr. SPECTER. That might turn on bias, but not limit you on what you may say as to your opinion.

Mr. STAPLETON. Let's say that juveniles—as a class of individuals—juveniles and young adults are disproportionately represented in the criminal and juvenile justice system. It would seem to me that simply on a matter of allocation of resources, that it demands a special effort, at a local, State, and National level to keep funding research, technical assistance, and studies of this age group. I'm speaking of an age group starting at the age of risk of 10 to 12 and moving up on into the late teens and early 20's. It is very difficult for me to recommend specifically juvenile rehabilitation programs other than that it is a generally accepted opinion among experts that juveniles are still amendable to certain kinds of treatment alternatives. The problem for the future is the diagnosis and identification of which juveniles can be helped by treatement techniques and which juveniles are not amendable to such treatment and should be processed on a more——

Mr. SPECTER. Do your studies give you any insight as to the categorization or delineation?

Mr. STAPLETON. They're beginning to——

Mr. SPECTER. That is, at what point would you apply a limited resources to assist juveniles on rehabilitation?

Mr. **Stapleton.** Part of——

Mr. **Specter.** How many offenses, for example? That was a subject of a very extensive hearing which we had. Dr. Wolfang, from the University of Pennsylvania, gave the opinion that the appropriate spot was after three offenses because juveniles committed so many offenses. If you start early, you just have too many juveniles.

Mr. **Stapleton.** I would say that one of the greatest predictors from what we know now of juvenile misbehavior is past behavior. And, certainly, I would pick three to five offenses. But we have to be careful how we classify these offenses. And this is, again, a matter of art rather than a science.

You heard Mr. McKenna speak earlier that you have certain types of assaultive behavior by juveniles that could lead into more damaging behavior. But because of some interruption of that behavior at that time, it's a simple assault rather than an aggravated assault or, indeed, a homicide. Juveniles, classically and historically, are going to get into trouble, and they're going to get into trouble in groups. The problem facing us now is how to isolate those juveniles who are habitual, chronic, violent, and serious offenders and figuring out which modes of treatment or which modes of intervention can best be applied.

Mr. **Specter.** Give me an example of what kind of mode of intervention or treatment you would suggest as a possibility.

Mr. **Stapleton.** Here I have to leave my official studies and base it upon my background in this area.

Mr. **Specter.** That might not be a bad idea.

Mr. **Stapleton.** One of the areas that we should be concentrating on, of course, is the nature of group crime. I would also like to see more effort placed into the relationship between substance—that is, drugs and alcohol; specifically, alcohol abuse—and violent and serious crime. There is a heavy correlation between, let's say, the drug of choice of juveniles, which is alcohol, and the propensity to commit serious and violent juvenile crimes, especially as it's engaged in by groups of individuals, whether these groups can be classified as gangs or simply congregations.

Mr. **Specter.** You think it's a good idea to raise the drinking age to 21?

Mr. **Stapleton.** I would say there are limited studies to show that that is effective in reducing things like driving while intoxicated arrests.

Mr. **Specter.** How about other crimes?

Mr. **Stapleton.** I have no information on that, sir.

Mr. **Specter.** How about an opinion? How about a judgment?

Mr. **Stapleton.** On the hardcore offenders that you're talking about raising the ages——

Mr. **Specter.** If we were dealing only with conclusions based on information, we might not come to any conclusions in the Congress.

Mr. **Stapleton.** Based on what I know, the hardcore offender who is going to partake in substances in order to abuse them, no amount of legislation or raising or lowering of ages is going to help because they're going to find it and get it.

Mr. **Specter.** Why not? It might be harder to get. It would be harder to get, yes.

Mr. **Stapleton**. In terms of liquor, no. Only those who are law-abiding or likely to obey a law are going to make it harder to get. Those that want it will have somebody buy it for them.

Mr. **Specter**. Bartenders are likely sometimes to obey the law.

Mr. **Stapleton**. Yes, sir. But what is to prevent an older juvenile or an older adult from going and buying bottles of wine or liquor for underage juveniles?

Mr. **Specter**. It would make it harder. You and I wouldn't do it. They'd have to ask more people. It slows it down.

Mr. **Stapleton**. Again, sir; we're law-abiding citizens.

Mr. **Specter**. Some people are.

Mr. **Stapleton**. That is the effect of my statement, that the law has most effect——

Mr. **Specter**. It makes it more difficult.

Mr. **Stapleton**. Yes. The law has the most effect on those that are more likely to obey the law. The hardcore offender——

Mr. **Specter**. I would agree with that.

Mr. **Stapleton** [continuing]. Isn't going to pay much attention.

Mr. **Specter**. Do you have anything else you would like to add at this time, Mr. Stapleton?

Mr. **Stapleton**. No, sir.

Mr. **Specter**. Thank you very much. I very much appreciate your being here.

The hearing is adjourned.

[The hearing was adjourned at 12 o'clock noon.]

[Mr. Stapleton submitted the following report for the record:]

RESPONSE STRATEGIES TO YOUTH GANG ACTIVITY

by

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Jerome A. Needle

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INTRODUCTION

Youth gangs and appropriate law enforcement response strategies toward youth gangs have been the focus of recently revived interest by the general public and Federal, State, and local government agencies. These groups expressed concern that youth gangs are a major contributing factor in U.S. crime, particularly those crimes classified "Index," by the FBI Uniform Crime Reports.[1]

Previous social science research has concentrated on description and analysis of youth gang structure and type of activity[2] with little information available on law enforcement response to the youth gang phenomenon. "How serious is the youth gang problem? Is there a problem? If so, how do police departments respond to law-violating youth gangs? Where are youth gangs located?" To answer these and other questions, the National Institute for Juvenile Justice and Delinquency Prevention requested that the Center for the Assessment of the Juvenile Justice System review existing literature and conduct a nationwide police department sample survey.

A 60-department representative sample, stratified by region and city size, was surveyed in late 1981 to determine how police departments were organized to meet the challenge of youth gang crime. Twenty-seven of the 60 departments surveyed reported youth gang problems. The full report, "Police Handling of Youth Gangs," has been submitted to NIJJDP.[3]

According to this survey, youth gangs and law-violating youth groups are a major problem to many police departments. Youth gang activity, as well as juvenile crime, should be considered within the context of total law enforcement resource management. Police responses are best measured against the situation's perceived magnitude (defined locally) and the degree to which manpower can be allocated to handle a targeted problem.

SERIOUSNESS OF THE PROBLEM

The U.S. Attorney General's Task Force on Violent Crime, citing Harvard University Professor Walter B. Miller's draft report, "Crime by Youth Gangs and Groups in the United States," has estimated "...that about 71 percent of all serious crimes by youths are a product of law-violating youth groups."[4] This assertion is tempered by Miller's earlier, more cautious approach: "[R]eporting that one's city has problems with crime by gangs or groups does not necessarily mean that such problems are considered to be serious."[5]

Measuring the seriousness of youth gang criminal activity is complicated by a number of factors. University of Chicago Professor Franklin Zimring pointedly comments that the crime rate, measured by the number of juvenile arrests, is confounded by the use of aggregate data that do not take into account jurisdictional differences in age classifications and diversity of criminal behavior.[6] Both Zimring[7] and Miller[8] emphasize the inherent problems of estimating "group" vs. "individual" crime rates from statistical tabulations that report each offender, rather than each event, as a separate offense. Counting the number of crimes in this manner over-emphasizes the individual as the statistical unit. The result, claims Miller, is a "...reluctance to exploit systematically the collective nature of youth crime...and to play down both the amount and significance of serious youth crime which involves multiple offenders acting in concert."[9]

Other factors inhibit interpretation. In estimating the juvenile crime rate, it is not unusual to select a particular database to support a point of view. Simply put, the increase or decrease of the denominator in the crime rate equation (number of crimes/number of units in the base population) inversely affects the rate. For instance, 789,648 juvenile Part I (Index) crimes were reported in 1980.[10] Measured as a proportion of total juvenile crime (2,025,713), the rate is 39.0 percent. Calculated as a proportion of total Part I crime, adult and juvenile (2,198,077 arrests), the rate is 35.9 percent. However, the crime "rate," computed as a proportion of total arrests reported by police departments in 1980 (9,703,181 arrests), falls to 8.1 percent as a function of the enormous increase in the denominator.

Comparable statistics for Part I (Violent) crime are just as dramatic. As a proportion of adult and juvenile violent crime (446,373 arrests), the juvenile arrests for violent crime (86,220) represent 19.3 percent of the total. However, as a proportion of total juvenile crime (2,025,713 arrests), or as a proportion of total Part I (Index) arrests (2,198,077), the statistics drop to 4.3 and 3.9 percent respectively. More startling is the revelation that the number of juveniles arrested for violent crime in the United States for 1980 is only 0.8 percent of the total number of arrests reported by police during that year (9,703,181).

The Assessment Center's survey of police responses to youth gang crime asked departmental spokespersons to estimate the problem's seriousness by listing, in order of their prevalence, the types of offenses attributable to youth gangs (see Table 1,). Thirteen of 26 departments (50 percent) listed Part I offenses (FBI Index crimes) as the most serious problem encountered when dealing with youth gang activity. Under Part I offenses, violent crimes (i.e., robberies, aggravated assaults and muggings, gang vs. gang, and gang vs. citizen violence) were considered most serious by 10 (38.5 percent) of the departments. Three departments (11.5 percent) listed other Part I (property) crimes such as burglary, larceny, and auto theft.

Additionally, 13 departments (50 percent) reported Part II offenses (FBI non-index crimes) the most serious problem encountered. Youth gang-related criminal activities cited were criminal mischief and vandalism, purse and chain (jewelry) snatching, school disturbances, and harassment/intimidation.

WHERE ARE THE GANGS?

Youth gangs are no longer unique to large urban areas. Twenty-seven of 60 police departments report youth gang problems. Although the expected relationship of city size and youth gangs was confirmed--five of six (83.3 percent) large population centers of one million or more persons host youth gangs and four of 11 (36.4 percent) in the 500,000 to 999,999 population base report gangs--the survey also found that six of 12 cities (50 percent) with populations of 250,000 to 499,999 report youth gang presence. In cities of 100,000 to 249,999 persons, 12 of 31 (38.7 percent) report youth gangs as a law enforcement problem (see Figure 1,   ).

These statistics generate uncertainty about prior assumptions that one can account for most U.S. youth gang activity by concentrating on large population centers. Only nine of the 27 police departments reporting youth gang problems are in urban areas of 500,000 or more persons. The remainder (two-thirds) are in cities with population bases of less than one-half million.

Regional differences are even more striking: 87.5 percent (14 of 16) of the Western cities sampled acknowledged youth gang problems as compared to 40 percent (four of 10) of the Northeastern cities, 26.7 percent (four of 15) of the North Central region, and 26.3 percent (five of 19) of the South (see Figure 2,   ).

California is a major contributor to the national youth gang problem. Of the 14 Western police departments, the eight California departments constitute 57.1 percent of the total. This figure, computed as a proportion of the total police departments reporting youth gang activity, accounts for about one-third (29.6 percent) of the cities reporting youth gang problems.

ORGANIZATION FOR GANG CONTROL

Three specialized organizational forms characterize the 27 police departments reporting youth gang or youth group problems. In ascending order of specialization they are:

> The Youth Service Program: Traditional police unit personnel, most commonly the youth section or bureau, are assigned gang control responsibility. Personnel are not assigned exclusively nor principally to gang control work.
>
> The Gang Detail: One or more officers of a traditional police unit, most commonly youth or detective units, are assigned responsibility for the control of gang problems. Officers are typically assigned exclusively to gang control work.
>
> The Gang Unit: A police unit is established solely to deal with gang problems. The gang unit typically encompasses a comprehensive intelligence function, and personnel are assigned exclusively to gang control work.

Traditional police department units (patrol, investigations, community relations, and crime prevention) either share gang control responsibilities or support the organizational unit that has primary responsibility.

Table 1

POLICE DEPARTMENT RANKING OF YOUTH GANG CRIMES CONSIDERED THE MOST SERIOUS PROBLEMS

	%	(N)
Part I Offenses		
Violent	38.5	(10)
Property	11.5	(3)
Part II Offenses	50.0	(13)
	100.0	(26)*

* One City missing

Table constructed by the CENTER FOR THE ASSESSMENT OF THE JUVENILE JUSTICE SYSTEM (Sacramento, Calif.: American Justice Institute, 1982).

Figure 1

POLICE DEPARTMENT REPORTS OF YOUTH GANG PROBLEMS BY CITY SIZE

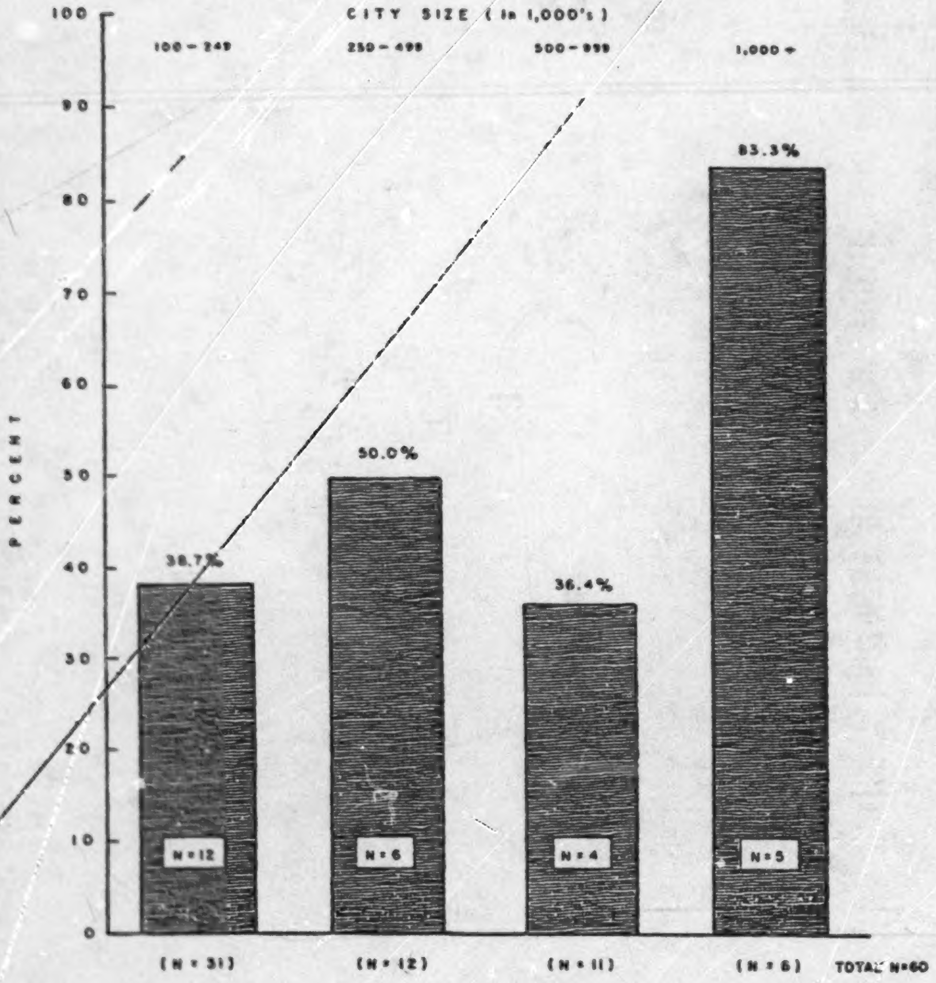

Table constructed by the CENTER FOR THE ASSESSMENT OF THE JUVENILE JUSTICE SYSTEM (Sacramento, Calif.: American Justice Institute, 1982).

Figure 2

POLICE DEPARTMENT REPORTS OF YOUTH GANG PROBLEM BY REGION

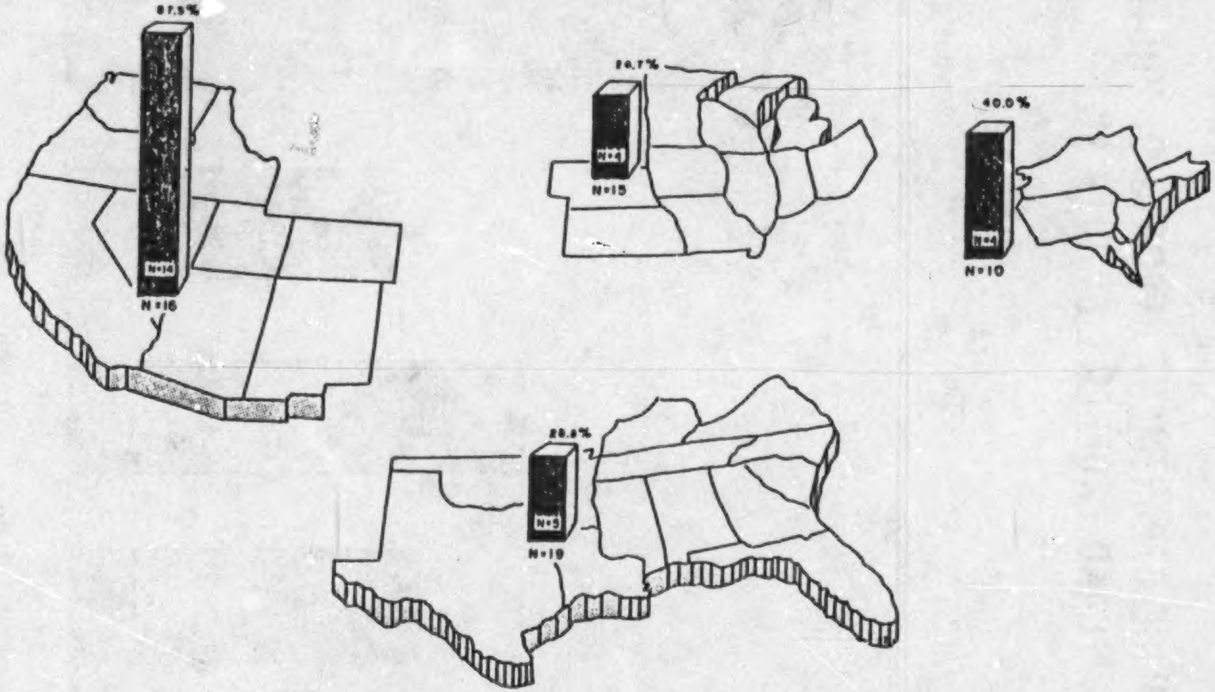
87.5%
N=14
N=16
26.7%
N=4
N=15
40.0%
N=4
N=10
26.3%
N=5
N=19

Table constructed by the CENTER FOR THE ASSESSMENT OF THE JUVENILE JUSTICE SYSTEM (Sacramento, Calif.: American Justice Institute, 1982).

A department's organizational form appears positively related to three factors:

Gang population--the larger the population, the more specialized the form The average reported number of gangs in cities employing the youth service approach (the least specialized) is 5.78, while the average number of gang members is 16.25. The gang detail and gang unit's comparable figures are consistently higher in each category. In gang detail cities, the average number of gangs reported is 11.5; the average number of gang members is 22.3. In gang unit cities, the average number of gangs reported is 46.1; the average number of members is 36.9.

Seriousness of the gang problem--the survey results indicate gang problems are perceived more seriously by respondents in departments with established gang details (e.g., perceived seriousness is strongly associated with degree of specialization). Respondents in nine of 12 departments employing the youth service program classify their gang problems as minor. (One respondent labeled his city's problem moderate. Two respondents viewed their gang problems as major.)

In comparison, four of seven respondents in gang detail cities labeled their problems as minor. The relationship between organizational specialization and seriousness of crime emerges with more clarity in cities with gang units. Five of the eight departments where gang problems are perceived to be serious have established gang units, the most specialized organizational level. (Respondents in two of the remaining three gang unit cities classified problems as moderate; one department classified the problem as minor.)

Police department size--the survey data indicate size is associated with organizational level--specialization is principally a characteristic of larger departments. In departments with gang units, the average number of sworn personnel is 7,600. In comparison, cities with gang details have an average of 885 sworn personnel, and cities using the youth service approach have an average of 344 sworn personnel.

The relative significance of each of these factors is not known precisely, and although questions remain regarding the relationship of organizational types and factors believed associated with them, the scope of the present research precludes definitive statements about such relationships (i.e., in some cities with gang units, gang population is smaller than in several cities where the youth service program model is used). Although department size appears associated with organizational form, several large departments do not have gang units. Finally, the relationship between the problem's perceived seriousness and organizational type is not yet understood and merits further research.

THE YOUTH GANG CONTROL FUNCTION

The youth gang control function encompasses four classes of activities.

Information processing--involves gathering, filing, retrieving, and sometimes, analyzing youth gang and youth gang member information. Arrest reports, field interrogation reports, investigation reports, informants, gang member associates, and gang members themselves, are principal information sources.

Prevention--includes deterrence and suppression activities and programs targeted directly at gang members and gang activities, such as school information programs, and police mediation efforts in controlling intergang violence.

Enforcement--includes traditional arrest-oriented police practices such as visible patrol, random or directed surveillance, and task force use.

Follow-up investigation--includes apprehension of gang members who have or are alleged to have committed crimes.

Unexpectedly, the survey results demonstrate the gang control function in the 27 cities is diffused. Despite existence of specialized organizational forms in many departments, gang control activities are conducted by some or all personnel in several units in every department.

GANG CONTROL PROGRAMMING

Programming in reporting departments is characterized by application of combined strategies to: (1) prevent crime by youth gang members, and (2) apprehend and incapacitate youth gang members who do commit crimes.

The most popular prevention programs are recreational and include police athletic leagues, along with neighborhood and parent councils to help identify, counsel, and refer troubled youth; school-based programs that involve counseling and crime prevention work; building better police-youth relations; informing students about employment and social service opportunities. Preventive patrol and other suppression activities are common. In many departments, especially those that have specialized gang personnel, classical social service "streetwork," oriented to suppression as well as prevention, is in evidence.

Respondents in 14 of the 27 departments reporting gang problems stated they did not conduct programs directed exclusively to youth gangs or gang members, but use the same program repertoire directed at youth in general. The majority of these cities employ the youth service program approach.

Thirteen responding departments have established special programs employing the same set of strategies used to deal with other juvenile offenders, potential juvenile offenders, and adult offenders.

In many cities, gang control programming has an extra-departmental dimension. Police departments join with other local police agencies, State and local government agencies, and community agencies for cooperative responses to gang problems. Information exchange concerning gang activity and gang members among law enforcement agencies, police participation in the activities of city-level human relations and social services planning, advisory groups, and study groups are popular forms of extra-departmental programming.

While extra-departmental alliances present favorable conditions for formulating innovative gang control programs, this opportunity has not been fully exploited. Only 14 of the 27 police departments reporting youth gang problems participate in extra-departmental gang-oriented activity. Exchanging information on gangs and gang members seems to be the most prevalent kind of extra-departmental activity, yet seldom occurs within the framework of formal information systems. Rather, it is in the shape of informal requests from one agency to another, and informal review and information exchanges among gang officers on an unscheduled basis.

The strategies most frequently employed to apprehend youth gang members who have, or are alleged to have, committed crimes include standard patrol tactics such as rapid response during or just after the commission of crimes, immediate follow-up investigation by patrol officers, youth officers, or specialized gang personnel, and more traditional follow-up investigation by personnel from a variety of units. Apprehension, when successful, is generally followed

Figure 3

A GANG CONTROL PROGRAM CONCEPT

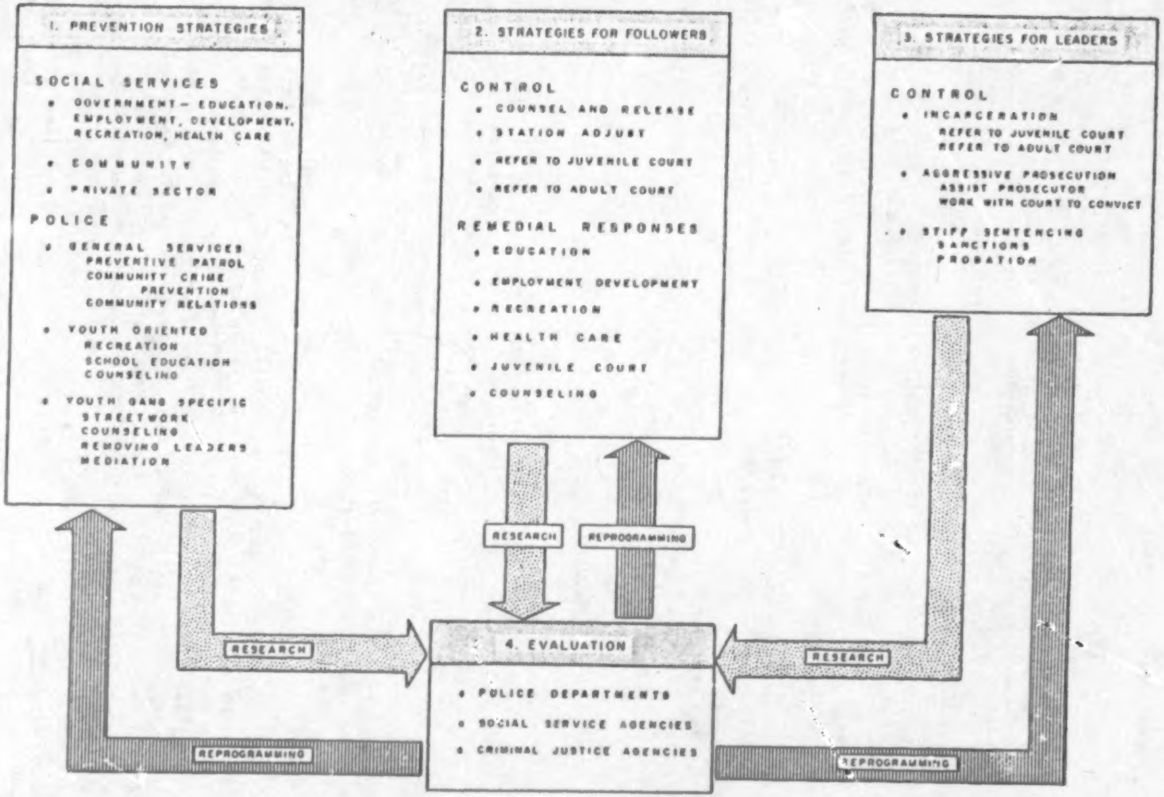
1. PREVENTION STRATEGIES
SOCIAL SERVICES
• GOVERNMENT – EDUCATION, EMPLOYMENT, DEVELOPMENT, RECREATION, HEALTH CARE
• COMMUNITY
• PRIVATE SECTOR
POLICE
• GENERAL SERVICES
PREVENTIVE PATROL
COMMUNITY CRIME PREVENTION
COMMUNITY RELATIONS
• YOUTH ORIENTED
RECREATION
SCHOOL EDUCATION
COUNSELING
• YOUTH GANG SPECIFIC
STREETWORK
COUNSELING
REMOVING LEADERS
MEDIATION
2. STRATEGIES FOR FOLLOWERS
CONTROL
• COUNSEL AND RELEASE
• STATION ADJUST
• REFER TO JUVENILE COURT
• REFER TO ADULT COURT
REMEDIAL RESPONSES
• EDUCATION
• EMPLOYMENT DEVELOPMENT
• RECREATION
• HEALTH CARE
• JUVENILE COURT
• COUNSELING
3. STRATEGIES FOR LEADERS
CONTROL
• INCARCERATION
REFER TO JUVENILE COURT
REFER TO ADULT COURT
• AGGRESSIVE PROSECUTION
ASSIST PROSECUTOR
WORK WITH COURT TO CONVICT
• STIFF SENTENCING
SANCTIONS
PROBATION
RESEARCH
REPROGRAMMING
RESEARCH
REPROGRAMMING
RESEARCH
REPROGRAMMING
4. EVALUATION
• POLICE DEPARTMENTS
• SOCIAL SERVICE AGENCIES
• CRIMINAL JUSTICE AGENCIES

FIGURE CONSTRUCTED BY THE CENTER FOR THE ASSESSMENT OF THE JUVENILE JUSTICE SYSTEM (SACRAMENTO, CALIF.: AMERICAN JUSTICE INSTITUTE, 1982).

BEST COPY AVAILABLE

by application of the most appropriate of the standard trilogy of alternatives that police use to deal with juvenile offenders--counsel and release, station adjustment, referral to juvenile court and, where statutorily permissible, referral to adult court. In some cities, selection of the "most appropriate" alternatives is influenced by a deliberately conceived gang control strategy known as gang-breaking.

GANG-BREAKING AS A SPECIAL EMPHASIS PROGRAM

Gang-breaking is a method whereby police personnel work to incapacitate gang leaders and the most visible gang members, making the gang itself less cohesive as an organization. This strategy is innovative, non-traditional, and unique because it is directed toward the phenomenon of the gang itself and not at gang members exclusively.

Practices used in this approach include making youth gangs aware that police have them under surveillance, getting community members to introduce police to youth gangs, and getting youth gang members to communicate with the police regarding their problems, both internal and external. Respondents in five departments mentioned success with gang-breaking. The gang-breaking concept consists of four elements which are illustrated in Figure 3 and discussed below.

Prevention Strategies

Prevention, a community endeavor consisting of social service agency, police, community, and private sector interaction, is believed the best approach for controlling youth gang crime. This preventive role is reflected in Box 1 of Figure 3. The community's social service system, with any assistance it receives from citizen and private sector organizations, is responsible for treating conditions assumed to breed criminality in young people--poverty, inadequate housing, poor health, inadequate health care, unemployment, and inadequate education. These social service programs are not targeted directly toward gang members, but rather are administered broadly and for the welfare of all.

A strong police department prevention program can augment and operate within the framework of community prevention services. The police program can coordinate strategies with services in three directions: general services for youths and adults; services for youths alone; and youth gang-specific strategies. General prevention services directed toward adults and youths can include those normally encompassed within the typical departmental crime prevention program: patrol, random or directed; community crime prevention techniques such as neighborhood watches and crime prevention education; and community relations programs. Usually, these prevention services are delivered by units other than those responsible for youth and gangs. Youth-oriented prevention services can include any or all of the strategies, techniques, and practices mentioned by survey respondents. Prevention services targeted directly at gang members complete the repertoire of prevention services. These can include having youth workers interact directly with gang leaders; having leaders of competing gangs talk and mediate problems; having police and gang leaders mediate problems; and "removing," through arrest and prosecution, gang leaders. This latter recommendation is not only a control technique, but a preventive measure as well (i.e., police feel that removing leaders impairs the gang's functional ability, if only temporarily, and impresses members with the "vulnerability" of gangs).

Strategies for Followers

When prevention fails and crimes are committed, police identify those believed responsible and apprehend them. A critical element of the gang-breaking concept begins once gang members have been apprehended. Gang members who have, or are alleged to have committed criminal acts, should be treated programmatically through existing procedures for handling youth who become involved with police. As depicted in Box 2 of Figure 3 (p. 9), depending on the incident's nature and circumstances and the individual's history and characteristics, police should select the most suitable alternative: counsel and release or informal adjustment at the station. Followers who are counseled and released or station adjusted can be diverted in many instances (i.e., encouraged or required to participate in remedial social service programs administered by the social service agencies of a community and/or by the police department). These actions are consistent with the traditional public and police intent to rehabilitate or protect youth involved with the justice system. Should the gang member in question be beyond the juvenile age, an entirely different set of disposition alternatives begins, principally referral to the criminal justice system.

Strategies for Leaders

Gang leaders or hardcore members require special programmatic handling. These special control strategies are illustrated in Box 3 of Figure 3 (p. 9). Gang leaders or hardcore members who violate the law and are of legal juvenile age are referred to juvenile court, and those beyond the legal juvenile age are prosecuted in adult court. Prosecutors and judges in either jurisdiction have obligations in this conceptual scheme. Prosecutors are expected to gain convictions, while judges and probation officers are expected to recommend and impose stiff sanctions, including prison terms when possible and appropriate. Other options should be elected when appropriate, but emphasis should be on punishment and incapacitation rather than on re-direction and release. Police are expected to aid in successful prosecution and convince courts that incarceration is justified.[11] However, respondents did not volunteer information about how aggressive and proactive police should be in eliminating leaders from gangs or on the legal techniques useful for so doing.

Evaluation

The final element of the gang-breaking concept is evaluation (see Box 4 of Figure 3, p. 9). Evaluation can be comprehensive and encompass all agency programming; police departments and social service agencies can evaluate prevention, control, and remedial strategy effectiveness. Additionally, agencies can use the evaluation results to direct efforts toward research and reprogramming. The present survey did not uncover any systematic, or methodologically sound evaluation strategies.

A COMPREHENSIVE COMMUNITY GANG CONTROL PROGRAM

A comprehensive community gang control program is the preferred method in dealing with youth gang crime problems. This concept is a structural approach designed to direct the activities of all relevant organizations toward common goals without materially impairing the autonomy of participating agencies. Every organization concerned with the welfare of gang members or potential gang members should be involved in the program. Countywide organization is preferable since it enables county and municipal agencies and institutions to participate. It is essential that police agencies in cities where gang problems are centered participate. Participation of social service agencies, prosecutors, judges, probation and parole agencies is also recommended for effective program function.

Each community's key policy and administrative officials can organize the program to reflect the community's serious commitment to managing its gang problems. The program should be given formal status, and be governed by the representatives of participating agencies. Public members and other governmental agencies can be added to the board if deemed essential. A budget and a staff should be provided.

Though variations will occur among communities, the governing body and its staff can perform a series of operations designed to overcome two major programming flaws; fragmentation, and absence of fixed responsibility. These operations are:

- Determine the extent of a community's gang problem: determine how many gangs there are, how many members are in the gangs, and the criminal history of gangs and gang members.
- Analyze the gang population: describe the economic, social, health, educational, ethnic, sex, and age characteristics of members.
- Establish objectives: define what the community and each agency should strive to accomplish with respect to the behavior of gangs and gang members.
- Formulate programmatic responses: identify strategies that participating agencies should administer both individually and cooperatively to achieve the objectives set forth.
- Mobilize the necessary resources to employ the strategies selected: gather resources and services from government agencies, the community, and the private sector to administer selected strategies.
- Evaluate program results: gather, process, and interpret the data required to determine whether program strategies are producing desired program results.
- Training program participants: develop and administer training programs for personnel of all participating agencies. Training programs should cover the nature of comprehensive community gang control programs, the roles of participants in them, and substantive matters pertaining to prevention and control of gang crime. The very act of establishing a comprehensive community gang control program will be a major step toward unifying the many agencies that now administer gang programming independently. Establishing objectives, identifying strategies, coordinating current programs, and mobilizing community resources can eliminate the fragmentation that currently exists. Accountability is established by setting specific goals, formulating programs, and implementing evaluation procedures.

The comprehensive community gang control program structure may transcend its expected value for gang control; such a program could become a mechanism to integrate a community's juvenile justice system in its entirety and provide a forum for addressing and implementing recommendations of study groups, task forces, and agencies concerned with juvenile justice planning.

THE POLICE ROLE IN ESTABLISHING COMPREHENSIVE COMMUNITY GANG CONTROL PROGRAMS

There is reason to expect police to react favorably, if cautiously, to the comprehensive community gang control program concept. This optimistic expectation is rooted in the belief that many practitioners are not only persuaded of the value and need for integrated community programming, but have already begun to establish integrated programs.

Many of the gang control personnel surveyed underscored the need for more integrated organizations of gang control programming and resources. Those who called for "greater liaison with the Board of Education," and an intensified "attack on social causes of problems," those who noted that the solution lies in "more social programming," and the entire cadre of individuals who called for greater mobilization of community resources and programs, seemed to be calling for more effective mobilization and integration of community resources and programs, if only implicitly. Other practitioners have gone beyond expressing their beliefs in the wisdom of joint attack on gang problems by actually establishing integrated agency programs. The most prominent example is the Safe Streets Project (OJARS, 1982),[12] a joint effort of law enforcement, prosecutorial, and probation agencies. The Probation and Police Suppression of Youth Gang Activity Project (Attorney General's Youth Gang Task Force, 1981),[13] which seeks to develop more productive police-probation department relationships, is another. A third model, the Juvenile Gang Reduction Specialist Project (Attorney General's Youth Gang Task Force, 1981),[14] seeks to coordinate more effective police and juvenile court action on gangs. These actions not only substantiate the favorable disposition of the police and the rest of the criminal justice community toward integrated programming, but also point to the formation of such programs. Thus, comprehensive community programming represents less a dramatic departure from the current programming style than a mechanism for accelerating a movement that has already begun. The favorable disposition of police toward this movement places them in a prime position to exert leadership in the development of comprehensive community gang control programs. Police are urged to assume such leadership positions since other agencies are expected to respond favorably to these initiatives.

MANAGEMENT OF GANG CONTROL PROGRAMMING

The gang control program management analysis revealed three areas needing improvement: coordination, training, and evaluation. The following improvement recommendations apply to police departments irrespective of size, organizational gang control form, or gang problem severity.

Coordination

The survey results indicate the gang control function is a collaborative endeavor with as many as four units involved in gang control. Goal, policy, and operation coordination is important in such environments. Inconsistent and conflicting administration of gang control activities creates and maintains problems in program delivery.

A variety of mechanisms are used to coordinate diffused police functions; the most effective involves centralizing responsibility for goal setting, planning, operations, and monitoring in one unit. Such units have formal authority over all other units with respect to the activities in question. Centralized authority is formalized through written policies and procedures which carefuly delineate roles, powers, and responsibilities of the several units that participate in or influence the various functions and are issued to all personnel involved in the coordinated functions. Measures ensuring compliance with these policies and procedures are implemented.

The present survey data indicate that neither centralized responsibility nor written policies and procedures are being used widely. The information gathered shows a widespread absence of written policies and procedures; only four of the 27 departments have them. Unless agencies maintain coordination in other ways, such as frequent and effective oral communication in either formal or informal settings, gang control program coordination in many agencies is probably less than adequate.

Training

Gang specialists and non-specialists must master important concepts to function properly. These may be conveyed on-the-job, but are taught most effectively in formal training settings. Important training issues include the nature, structure, and history of gangs, departmental goals and policies, and useful strategies for prevention and control of youth gang problems. Subjects of interest and relevance to gang control personnel often emerge more freely in formal training settings (which are usually less threatening than on-the-job situations), perhaps because free exchange is encouraged and often rewarded.

Gang control personnel in 17 of the 27 departments have not had formal gang control training. If these officers have not been trained, it is a virtual certainty that members of other units that share the gang control function are untrained as well. Agencies that currently do not provide training for those involved in gang control programs, or that only provide occasional opportunities, can take steps to alter the situation. Without formal training, officers and their superiors must discuss concepts, policies, and individual needs on-the-job, an approach usually viewed in the police world as an adjunct to and continuation of formal training--not a substitute for it. It is essential that gang units, gang details, and all other personnel who deal with youth gangs (i.e., patrol officers, investigators, youth officers, and community relations personnel) receive training.

Two problems may hamper police efforts to implement training programs. First, departments have limited funding resources for training. Most agencies are expected to accept the recommendation to train all personnel who deal with youth gangs; however, many cannot afford broad-based training programs. Cost limitations can be circumvented by adopting a technique used to maximize training investments. This method involves sending one or two individuals to available training courses; those individuals then return to their own departments to train personnel. In order to conduct in-house training, a course must be developed. Therefore, departments considering this strategy should send both program members and instructors to training courses. The instructors could then develop more effective in-service courses. Systematic evaluations of this technique for dealing with funding limitations have not been conducted.

Second, gang control training technology is not readily available to police departments. Few public or private organizations offer gang training courses. Training materials such as model curricula, participant work materials, and audio and visual presentation materials are either scarce or unavailable. This technology gap notwithstanding, most agencies have no alternative for the immediate future other than the development and delivery of their own training.

Effectiveness

Effectiveness is the degree to which objectives (goals) are successfully achieved. Clear and precise articulation of goals and valid measures of them are prerequisites for calibrating effectiveness. Discussion with respondents in the 27 cities that report youth gang problems produced no evidence that the police departments have systematically employed valid and reliable effectiveness measures. Judgments about the value of current programming, whether traditional or innovative, can only be properly based on evaluative research. The absence of evaluation information impaired the ability to identify effective or promising gang control strategies.

Respondents in one-third of the departments were willing to provide subjective appraisals of their gang control program's effectiveness and to state the criteria by which they reached these conclusions. All but one of those responding declared their department's efforts as successful. The appraisals range from "dramatically successful" to "successful to a degree." Respondents derived their appraisals in diverse ways. Some based their conclusions on criteria typically considered to be objective (e.g., arrest rates, clearance rates, conviction rates, and program placements). While such measures might be valid appraisals of success, the reliability of the statistics provided is questionable. The respondents' general inability to supply quantitative statistical data on other subjects covered by the survey (i.e., "What proportion of crime is committed by gang members?" "What proportion of juvenile crime is committed by gang members?") strongly suggests that conclusions provided about favorable arrest, clearance, and conviction rates are more likely based on unsystematic evaluation efforts than on statistical information. Other respondents used more subjective criteria (e.g., requests for assistance and positive responses from the public). Some respondents used no criteria at all, preferring instead to comment on police potential in managing or eliminating gang problems (e.g., responses such as "can't eliminate gangs, can reduce violence," and "problem is manageable but can't be eliminated").

Evaluation

The ability to measure program effectiveness, defined as the degree to which program goals and objectives are achieved successfully, is the paramount requirement for managing and improving any police program. Measuring effectiveness enables police executives to perform a wide range of critical management functions in a systematic and formal manner. Critical management functions include evaluating the impact of new programs, allocating new resources, trading off current resources, and budgeting. Failure to measure the degree to which goals and objectives are achieved precludes insightful and, in some cases, even minimally effective conduct of these functions.

Unsubstantiated evidence suggests police agencies are unable to measure gang control program effectiveness, although this has not been demonstrated conclusively. Few departments could respond authoritatively to effectiveness queries. None of the departments surveyed had systematic quantitative success indicators available. Few departments gave evidence of having program objectives; one of the tools or prerequisites for measurement.

Police departments that are unprepared to adequately measure effectiveness should rectify the situation (departments should begin developing the systems and information needed to gauge their total program effectiveness, and of the individual strategies that are employed within it). Departmental efforts will be impaired, again, by a shortage of readily available technology and funding. In addition to the development of measurable objectives and reliable standards, evaluation efforts should concentrate on (1) acquainting police departments with the standards, and (2) on the types of information necessary to implement them. Few of these tools are available now. Neither the telephone survey nor the literature yielded much that is of use for measuring effectiveness. Police departments are faced, therefore, with the formidable task of developing their own evaluation tools. Procedurally, goals and objectives must be developed prior to establishing evaluation tools.

CONCLUSION

This report indicates police are attempting to prevent and control youth gang problems in a system characterized by substantial fragmentation. This is the result of the myriad of public, private, and law enforcement agencies' association with youth gangs and youth gang members. Although many agencies influence gang members, no organization is "in charge" of gang programming--none are accountable for effective prevention and control of youth gangs and youth gang crime. The data on inter-agency relationships suggest agencies function independently and without formal communication.

The consequences of fragmentation and absence of accountability have not been subject to systematic inquiry. However, they are probably similar to those of other programming areas studied (i.e., police and other agencies working with gang members are often at cross-purposes because of general inconsistency and lack of coordination). Where this is the case, the organizational and financial resources committed to prevention and control of gangs are poorly invested. Often, jurisdictional resources are not being applied productively. Perhaps worse, the gang member becomes frustrated and angered by the barrage of inconsistent advice, guidance, and direction. Fragmentation impairs effectiveness.

The juvenile justice system should be able to prevent and control gang problems in an environment where all agencies involved in the gang control function have clearly delineated roles. The comprehensive community gang control program model is a departure from the currently dominant style of gang control program organization, but not a dramatic one. Agencies that wish to strengthen or create new gang control programs may consider this an alternate approach. Whether this program can actually produce better results than current programs is not known. The program, as it has been described in this brief report, suggests ways that departments and agencies may effectively measure the success or failure of their gang control strategies.

FOOTNOTES

1. Standard UCR crime classifications for Part I (Index) crimes are defined as: Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, and motor vehicle theft. Since 1979, the UCR reports arson as an Index property crime. U.S. Federal Bureau of Investigation (U.S. FBI), Uniform Crime Reports (Washington, D.C.: Government Printing Office, 1970-1981).

2. Richard H. Cloward and Lloyd E. Ohlin, Delinquency and Opportunity: A Theory of Delinquent Gangs (Glencoe: The Free Press, 1960); Albert K. Cohen, Delinquent Boys: The Culture of the Gang (Glencoe: The Free Press, 1955); Malcolm W. Klein, Juvenile Gangs in Context (Englewood Cliffs, New Jersey: Prentice-Hall, 1969); Walter B. Miller, "Gangs, Groups and Serious Youth Crime." In D. Schicher and D. Kelly, Critical Issues in Juvenile Delinquency (Lexington, Mass.: D.C. Heath and Co., Lexington Books, 1980); Irving Spergle, Street Gang Work: Theory and Practice (Reading, Mass.: Addison-Wesley, 1966); Frederick Thrasher, The Gang (Chicago: University of Chicago Press, 1927); William Foote Whyte, Street Corner Society (Chicago: University of Chicago Press, 1973); Lewis Yablonski, The Violent Gang (New York: The MacMillan Co., 1963).

3. Wm Vaughan Stapleton and Jerome A. Needle, "Police Handling of Youth Gangs." Center for the Assessment of the Juvenile Justice System. (Sacramento, Calif.: American Justice Institute, May 1982).

4. U.S. Attorney General's Task Force on Violent Crime, Final Report. U.S. Department of Justice. (Washington, D.C.: Government Printing Office, 1981), p. 84.

5. Miller, op. cit., p. 128.

6. Franklin E. Zimring, "Kids, Groups and Crime: Some Implications of a Well-Known Secret." Journal of Criminal Law and Criminology 72,3:874 (1981).

7. _Ibid_.

8. Miller, _op. cit_., p. 115.

9. _Ibid_.

10. _Uniform Crime Reports_, _op. cit_., 1981.

11. This strategy should be viewed with caution. There are potential consequences; e.g., enhancement of a gang member's image, or the recruitment of a gang member into gang-affiliated groups within custodial institutions. Strict prosecution and incarceration should be reserved for only the most violent and serious offenders.

12. Stapleton and Needle, _op. cit_., p. 48.

13. Stapleton and Needle, _op. cit_., p. 42.

14. _Ibid_.